

Superior Court Nos. 14-1-00203-6 & 14-1-00376-8

COURT OF APPEALS DIVISION II
OF THE STATE OF WASHINGTON

In the Matter of the Personal Restraint Petition

Ryan C. Rocquin

Petitioner

PERSONAL RESTRAINT PETITION

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FILED
COURT OF APPEALS
DIVISION II
2016 MAR 18 PM 3:39
STATE OF WASHINGTON
BY _____
DEPUTY

Petitioner, Ryan C. Rocquin, through counsel, seeks relief from personal restraint on the following showing:

STATUS OF PETITIONER

1. Petitioner, Ryan C. Rocquin, challenges in this petition the plea and sentence taken on February 17, 2015, and March 20, 2015, in Gray's Harbor County, Cause Nos. 14-1-00203-6 and 14-1-00376-8.
2. Mr. Ryan C. Rocquin made a plea of guilty in Cause No. 14-1-00203-6 to Count I - Child Molestation in the First Degree. In Cause No. 14-1-00376-8, Count I - Sexual Exploitation of a Minor, Count II – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree and Count III – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree.
3. Mr. Ryan C. Rocquin was sentenced on March 20, 2015. Mr. Rocquin is incarcerated with the Washington State Department of Corrections and is serving a 120-month sentence on Count I – Sexual Exploitation of a Minor, 102-months on Count II, and 60 months on Count III.
4. This Personal Restraint Petition follows.

GROUND FOR RELIEF

A. Summary of Argument

Mr. Ryan C. Rocquin seeks relief under RAP 16.4(c)(5-7) because the petitioner is currently incarcerated in the State of Washington after pleading guilty in Cause No. 14-1-00203-6 to Count I - Child Molestation in the First Degree and in Cause No. 14-1-00376-8, Count I - Sexual Exploitation of a Minor, Count II – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree and Count III – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree.

Mr. Ryan C. Rocquin's plea was not entered into freely, knowingly and intelligently to these crimes. The court and counsel incorrectly advised the defendant as to the term of community custody, indeterminate sentence, and other terms of his sentence. Further, that Mr. Ryan Rocquin's plea is violative of the Constitutional protection against double jeopardy. Lastly, that Mr. Rocquin was sentenced to conditions of community custody which are not crime based or unconstitutional due to being vague or arbitrary.

B. Statement of Facts in Support of Petition

Mr. Ryan C. Rocquin was charged in Gray's Harbor Superior Court Case No. 14-01-00203-6 with Count I – Child Molestation in the First

Degree on May 28, 2014. On September 18, 2014, Mr. Ryan C. Rocquin was charged with Count I – Sexual Exploitation of a Minor, Count II – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree and Count III – Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree in Cause No. 14-01-00376-8.

The information in Cause No. 14-01-00203-6, filed on May 28, 2014, alleges sexual contact from April 11, 2014, to April 13, 2014, with MAR. That Mr. Rocquin C. Rocquin was at least 36 months older than MAR, and MAR was less than 12-years-old and not married to the defendant. (Exhibit A). Another information was filed in Cause No. 14-01-00376-8 on September 18, 2014, in which Count I alleged sexual exploitation of a minor from April 11, 2014 to April 13, 2014, Count II alleged Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree occurring on April 17, 2014, and Count III alleged Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree occurring on April 17, 2014. (Exhibit B)

On February 17, 2015, at 9:43 a.m., Mr. Ryan C. Rocquin entered a plea of guilty to Statement of Defendant on Plea of Guilty to Sex Offense, 14-01-00203-6 Child Molestation in the First Degree in Cause No. 14-01-00203-6. The “Statement of Plea of Defendant on Plea of Guilty to Sex Offense”

(Exhibit C, p. 2) shows an offender score of 1 with a standard range of 149-198 months to life with community custody of "Life." The Statement on Plea of guilty (Exhibit C, p. 2-3) does not show the paragraph related to indeterminate sentence review board was acknowledged by initials of the defendant.

Also, on February 17, 2015, at 9:48 a.m., Mr. Ryan C. Rocquin entered a "Statement on Plea of Guilty" (Exhibit D) to 1) "Sexual Exploitation of a Minor," 2) "Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the First Degree," and 3) "Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct in the Second Degree" in Cause No. 14-01-00376-8. The Statement on Plea of Guilty, Exhibit D, p. 2, shows offender score of 9 on Count I, with a standard range of 129-171 months with a maximum term of 10 years. Count II has an offender score of 9 with a standard range of 72-102 months and a 10 year maximum. While Count III has an offender score of 9 with a "standard range of 72-96 months" and a maximum term of 5 years. The section for documenting community custody was blank on all three counts without any explanation.

The plea agreement (Exhibit E, p. 2) in Cause No. 14-01-00376-8 provides a sentencing range on Count I of 129-171 months. The plea agreement (Exhibit E) on page 3 lists the confinement on Count I as "171

months.”

Sentencing was held on March 20, 2015, on Cause No. 14-01-00203-6 on the First Degree Child Molestation. The Felony Judgment and Sentence (Exhibit F) listed other current convictions under a different cause number 14-01-00376-8 and gave him an offender score of 9 with a standard range sentence of 149-198 months to life. (Exhibit F, p 2 of 10) The court then sentenced Mr. Ryan C. Rocquin to 198 months (Exhibit F, p 3 or 10). The Judgment and Sentence was filed on March 20, 2015, at 4:21 p.m.

The court sentenced Ryan C. Rocquin on Cause No. 14-01-376-8 and the Judgment and Sentence is included as Exhibit G. The Child Molestation Count 1 lists a standard range sentence as 129 to 171 month with a maximum sentence of 10 years. Count III lists a standard range sentence as 63 to 84 months with a maximum sentence of 5 years. The court sentenced Mr. Ryan C. Rocquin to 60 months on Count III.

On Cause No. 14-01-00376-8, the court imposed community custody of 36 months on Counts I, II, and III (Exhibit G, page 4 or 10). On Cause No. 14-01-00203-6, the Felony Judgment and Sentence (Exhibit F, p. 1) has a box checked showing the defendant is subject to indeterminate sentencing. The plea agreement filed on February 17, 2015, does not check off a box reading “The current offense is subject to

indeterminate sentencing pursuant to RCW 9.94A.507.” The plea agreement lists no other current convictions other than Case No. 14-01-00203-6.

At the sentencing hearing held on March 20, 2015, (Exhibit H, p. 23), the prosecutor, in lines 10-20, advises the court, “The standard range is 149-198 months to life. It is subject to review by the indeterminate review board. I believe 198 months is appropriate as a bottom. He will then – life would be the maximum and it would be up to the department of corrections to determine the actual release date.” The court sentenced Mr. Ryan C. Rocquin to “198 months to life.”

The court imposed community custody conditions in Cause No. 14-01-00203-8 and 14-01-00376-8 as Appendix H (Exhibit I. The court ordered “no contact with MAR” for life, submit to a plethysmograph examination as directed by CCO, not possess or peruse sexually explicit materials, not possess drug paraphernalia, not purchase, possess or consume alcohol and do not enter any business where alcohol is the primary commodity for sale.

C. Legal Argument in Support of Petition

RAP 16.4(a) provides that if the petitioner is under a “restraint” and the petitioner’s restraint is unlawful for one or more of the reasons defined in section (c) he is entitled to relief under this statute. Mr.

Rocquin is currently restrained in Airway Heights Correctional Facility. Mr. Rocquin's plea of guilty was not made knowingly, intelligently, and voluntarily because his counsel failed to inform him of several important facets of his case, making him ineffective. Due to this, Mr. Rocquin is entitled to review by this court under RAP 16.4(c) (5-7).

A claim that counsel was ineffective is a mixed question of law and fact that is reviewed *de novo*. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *In re Pers. Restraint of Brett*, 142 Wn.2d 868, 16 P.3d 601 (2001). The conduct of an ineffective attorney must fall below a minimum objective standard of a reasonable attorney and but for the attorney's conduct the outcome would be different. *State v. Benn*, 120 Wn.2d 631, 663, 845 P.2d 289 (1993). To prevail on a claim of ineffective assistance of counsel the petitioner must show both deficient performance and prejudice. *Strickland*, 466 U.S. at 687. To show prejudice, the petitioner must show a reasonable probability (more likely than not) that but for counsel's errors, the result of the proceedings would have been different. *Id* at 694.

In the case at hand, Mr. Rocquin's counsel was ineffective when: 1. He improperly calculated his client's offender score; 2. He failed to advise his client of the correct sentencing range; 3. He did not argue double jeopardy for the same course of conduct; 4. He failed to present mitigating

evidence at sentencing; and 5. Defense failed to argue against unconstitutional community custody conditions.

1. Mr. Rocquin was not advised as to the direct consequences of his guilty pleas; therefore the pleas were entered involuntarily.

“Due process requires that a defendant’s guilty plea be knowing, voluntary and intelligent.” *In re: Pers. Restraint of Isadore*, 151 Wash.2d 294, 297, 88 P.3d 390 (2004) (citing *Boykin v. Alabama*, 395 U.S. 238, 242, 89 S.Ct. 1709 (1969)). “If a defendant is not apprised of a direct consequence of his plea, the plea is considered involuntary.” *In re: Pers. Restraint of Bradley*, 165 Wn.2d 934, 937, 205 P.3d 123 (2009) (citing *State v. Ross*, 129 Wash.2d 279, 284, 916 P.2d 405 (1996)). A direct consequence has a “definite, immediate and largely automatic effect on the range of the defendant’s punishment,” and the length of a sentence is one such direct consequence. *Id.*; *State v. Mendoza*, 157 Wash.2d 582, 590, 141 P.3d 49 (2006). If the defendant is misinformed about the length of a sentence, the plea is rendered involuntary even where the correct sentence may be less than the incorrect sentence included in the plea. *Mendoza* at 591.

In this case, the signed Plea Agreement for the 14-1-203-6 case did not have any indication that the charge of Child Molestation First Degree was subject to indeterminate sentencing pursuant to RCW 9.94A.507. In fact, that box is available but not marked. Furthermore, in the same

document, the listing of other current convictions lists Child Molestation First Degree at three points; however, there is no indication that the other history being included is actually the three counts in case number 14-1-376-8, none of which are charges of Child Molestation First Degree. The Statement of Defendant on Plea of Guilty in the 14-1-203-6 case lists the offender score for the Child Molestation First Degree charge as 1. With an offender score of 1, the indeterminate sentence on that charge would be 51-68 months to life, as opposed to the listed 149-198 months to life. The listed range would be for someone with an offender score of 9+. Neither the Statement of Defendant on Plea of Guilty nor the Plea Agreement support an offender score of 9+. Mr. Rocquin's initials appear at the beginning of paragraph 6 of the Statement of Defendant on Plea of Guilty, and then again at each subsection 6(g) through 6(o). Tellingly, Mr. Rocquin's initials do not appear at subsection 6(f), the subsection pertaining to indeterminate sentencing. Lastly, the judge failed to indicate whether the defendant had read the statement and understood it, or had it read to him and understood it. Neither box is checked on the Statement of Defendant on Plea of Guilty, yet the judge signed that document on February 17, 2015.

In the other case on which the defendant was sentenced on March 20, 2015, 14-1-376-8, the judgment and sentence itself has numerous errors. The other current convictions listed include only the Child

Molestation First Degree from case number 14-1-203-6, yet the offender score for each offense is listed as a 9. Furthermore, even if the offender score were indeed a 9, the other information is incorrect. On Count 1, Sexual Exploitation of a Minor, the range if the offender is truly a 9 is 120 months, the statutory maximum. Listed, however, is a range of 129 to 171 months. On Count 2, Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct First Degree, the Seriousness Level is listed as a X when it should be a VI. On Count 3, Possession of Depictions of a Minor Second Degree, the range listed is 63 to 84 months, when the range on an offender score of 9 is 60 months, the statutory maximum. It is also listed as a Seriousness Level of V when it should be a IV. These few issues are briefly addressed with the court at the sentencing hearing but never corrected on any of the documents nor explained to Mr. Rocquin on the record.

The plea agreement in 14-1-376-8 does not list in paragraph 1.1 what counts are contemplated in the plea agreement. Paragraph 1.8 lists the counts involved in 14-1-376-8 but does not list the Child Molestation charge from 14-1-203-6 as being included in criminal history. Paragraph 1.9 has the same incorrect information as the judgment and sentence contains. In the Statement of Defendant on Plea of Guilty for 14-1-376-8, the offender scores and sentence ranges are incorrect in paragraph 6(a) as they are on the Judgment and Sentence. No community custody is listed,

although it should be. Paragraph 6(p) is stricken out and bears no initials of Mr. Rocquin's, although Sexual Exploitation of a Minor is a most serious offense and that should have been explained to him.

Here, the sheer number of incorrect pieces of information on the plea agreements, the Statements of Defendant on Plea of Guilty, and the Judgment and Sentences on the two cases make it clear that Mr. Rocquin was not adequately advised of multiple things regarding his sentence. In 14-1-376-8, each document listed the incorrect sentencing range for Counts 1 and 3. The status of Sexual Exploitation of a Minor as a most serious offense for purposes of the persistent offender statute was not disclosed. The criminal history is incorrect and there is no community custody listed. At the time that Mr. Rocquin entered into the agreement on 14-1-376-8, he was not advised of those direct consequences of his plea; hence, the plea was involuntary. In 14-1-203-6, the criminal history listed is incorrect, and nowhere does anything appear that supports an offender score of 9. Furthermore, there is nothing to indicate that Mr. Rocquin was advised that the plea carried with it an indeterminate sentence. An indeterminate sentence on a charge of Child Molestation, no matter what the range, can result in up to lifetime confinement. That clearly fulfills the test of being misinformed about the length of sentence. Because Mr. Rocquin was misinformed as to the consequences of his pleas, his pleas were involuntary and he is entitled to the relief requested.

2. **Mr. Rocquin's trial counsel was ineffective when he failed to move the court for a finding of same course of conduct as to the Child Molestation 1st Degree and Sexual Exploitation of a child charges making the defendant have an offender score of nine instead of six.**

For purposes of determining sentence range, if the court enters a finding that some or all of the current offenses encompass the same criminal conduct, then those offenses shall be counted as one crime. RCW 9.94A.589(1)(a). The statute further defines "same criminal conduct" as two or more crimes that require the same criminal intent, are committed at the same time and place, and involve the same victim. *Id.*

The court in Mr. Rocquin's case did not enter such a finding. Typically, the appeals court reviews the trial court's entry or lack thereof of a finding that current offenses encompass the same criminal conduct for abuse of discretion or misapplication of the law. *State v. Graciano*, 176 Wn.2d 531, 536, 295 P.3d 219 (2013). Here, because there was no finding whatsoever, it is necessary to look to whether the court should have made a finding. Because a finding of same criminal conduct benefits the defendant, the burden is on the defendant to raise the issue and prove it. *Id.* at 539. So for the court to make such a finding in this case, the issue would have to have been raised by Mr. Rocquin's attorney. He failed to do so.

As noted above, the test for ineffective assistance of counsel is that but for the attorney's conduct or lack thereof, the outcome would be

different. *Benn* at 663. In order to show prejudice, the petitioner must show that it is more likely than not that the result would be different if counsel had provided effective assistance. *Strickland* at 694. Here, it must be demonstrated that had Mr. Rocquin's attorney addressed the offender score issue with the court, the court would have been more likely than not to rule in Mr. Rocquin's favor.

In this case, the Child Molestation 1st Degree and the Sexual Exploitation of a Minor should have been counted as the same criminal conduct. The Information's filed in each case (14-1-203-6 for the Child Molestation 1st Degree and 14-1-376-8 for the Sexual Exploitation of a Minor) list the dates of both offenses as "on or about the period beginning April 11, 2014, and ending April 13, 2014." This would appear to satisfy the "same time" prong of the test. The victim of each offense is listed as M.A.R., Mr. Rocquin's minor daughter. Therefore, the two crimes involve the same victim. The final prong is whether the two crimes involved the same criminal intent.

Sexual contact is a necessary element of Child Molestation 1st Degree. RCW 9A.44.083(1). To prove sexual contact, the State must establish that the defendant acted with a purpose of sexual gratification. *State v. Stevens*, 158 Wn.2d 304, 309, 143 P.3d 817 (2006). Sexual Exploitation of a Minor requires that a person cause a

minor to engage in sexually explicit conduct knowing that that conduct will be photographed. RCW 9.68A.040. Sexually explicit conduct includes what was photographed here: "depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purposes of sexual stimulation of the viewer." RCW 9.68A.011(4)(f). It is clear that the element of sexual stimulation or sexual gratification is common between Child Molestation 1st Degree and Sexual Exploitation of a Minor.

The intent element is the same statutorily and is also fulfilled in this case because as the State notes in page 4 of its Motion and Declaration for Order for Warrant of Arrest in case 14-1-376-8, the photographs taken of M.A.R. that give rise to the charge of Sexual Exploitation of a Minor depict the actions that gave rise to the charge of Child Molestation 1st Degree. Here, the Sexual Exploitation is inextricable from the Child Molestation and both were done with the same purpose: sexual stimulation or gratification.

Because the two charges fulfill the criteria for same course of conduct, the court would have been likely to grant a motion to count them as the same course of conduct had Mr. Rocquin's attorney made such a motion. Had that motion been made and granted, Mr. Rocquin's offender score on each count would have been a 6 rather than a 9. That changes the

sentence ranges as follows. Child Molestation in the 1st Degree would have a range of 98-130 months to life (although the indeterminate sentence issue was briefed above). Sexual Exploitation of a Minor would carry a range of 77-102 months. Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1st Degree would have a range of 46-61 months, and the same charge in 2nd Degree would carry a range of 33-43 months. This sentence must be vacated and the case remanded for resentencing.

3. Trial counsel was ineffective when he failed to argue double jeopardy for the same course of conduct.

The Sentence imposed by the court in sentencing based upon Cause No. 14-01-00376-8 for Sexual Exploitation of a Minor Count I and Child Molestation in the First Degree in Cause No. 14-01-00203-6 violates the Fifth Amendment's prohibition on double jeopardy which protects against being punished twice for the same criminal offense. U.S. Constitution Amendment V; *Brown v. Ohio*, 432 U.S. 161, 165, 97 S. Ct. 2221, 53 L. Ed. 2d 187 (1977). If two different criminal statutory provisions indeed punish the same offense or one is a lesser included offense of the other, then the conviction under both is presumed to violate congressional intent. See *Missouri v. Hunter*, 459 U.S. 359, 366-67, 103 S. Ct. 673, 74 L. Ed 2d 535 (1983).

Mr. Ryan C. Rocquin was punished twice for the same criminal conduct. The charges in the child molestation allegation in Cause No. 14-01-00203-6 involves allegation with MAR on April 11, 2014 and ending April 13, 2014. The same victim, MAR, and the same time period are alleged in Cause No. 14-01-00376-8 involving the same criminal acts which includes the photographing of the sexual contact.

The court here sentenced the defendant to 198 months for Count I in Cause No. 14-01-00203-6 and to 120 months for Count I in Cause No. 14-01-00376-8. The punishment of the defendant twice for the same conduct on April 11, 2014 to April 13, 2014, would be contrary to the Fifth Amendment prohibition for the same criminal conduct.

The RCW 9.94A.525 offender score at subsection (17) requires the court to impose a greater punishment based upon the same criminal conduct. As a result the offender scores have a multiple of three (3) applied for prior or concurrent crimes (RCW 9.94A.525 (17)). In applying this statute to Ryan C. Rocquin, the legislature has mandated that there will be multiple punishments for the same offenses by the statute. All current or prior offenses will be multiplied by three (3). The legislature has effectively mandated the imposition of multiple punishments for offenses previously committed. The court is without recourse and must impose a standard range sentence based upon the multiplier. The sentence

imposed in this matter violated the Fifth Amendment by the application of the multiplier to the prior offenses.

The Fifth Amendment prohibition on double jeopardy protects against being punished twice for a single offense. U.S. Constitution Amendment V; *Brown v. Ohio*, 432 U.S. 161, 165, 97 S. Ct. 2221, 53 L. Ed. 2d 187 (1977). In applying the RCW 9.94A.525 (17), which mandates a multiplier for prior offenses, the court thereby violated the Fifth Amendment as applied in the case of Ryan C. Rocquin.

4. Mr. Rocquin's trial counsel was ineffective when he failed to investigate and present mitigating evidence and sentencing.

Mr. Rocquin's trial counsel was ineffective when he failed to investigate and present mitigating evidence at sentencing. The conduct of an ineffective attorney must fall below a minimum objective standard of a reasonable attorney and but for the attorney's conduct the outcome would be different. *State v. Benn*, 120 Wn.2d 631, 663, 845 P.2d 289 (1993). To prevail on a claim of ineffective assistance of counsel the petitioner must show both deficient performance and prejudice. *Strickland*, 466 U.S. at 687. To show prejudice, the petitioner must show a reasonable probability (more likely than not) that but for counsel's errors, the result of the proceedings would have been different. *Id* at 694.

In the case at hand, Mr. Roquin is a veteran likely suffering from post-traumatic stress disorder when he committed his crimes. His defense

counsel failed to have him evaluated for mental health disorders or have him screened for Veteran's Court. Veteran's Court is set-up for defendant's like Mr. Rocquin and addresses the specific needs of Veteran's. Mr. Rocquin's trial counsels performance fell below a minimum objective standard of a reasonable attorney and but for his failure to investigate mitigating factors Mr. Rocquin received an excessive sentence.

5. The Trial Court impermissibly imposed community custody conditions that are not crime related and are overbroad and vague.

The trial court impermissibly imposed community custody conditions that are not crime related and are overbroad and vague. The court ordered that as conditions of community custody Mr. Rocquin not possess drug paraphernalia, not purchase, possess or consume alcohol, not enter any business where alcohol is the primary commodity for sale, submit to a plethysmograph examination as directed by CCO, and not possess or peruse sexually explicit materials.

First, the court ordered that as a condition of community custody Mr. Rocquin not possess drug paraphernalia, not purchase, possess or consume alcohol and to not enter any business where alcohol is the primary commodity for sale. In order to be valid, a condition of community custody release that prohibits conduct must be crime-related. *State v. O'Cain*, 144 Wn.App. 772, 184 P.3d 1262 (Div. 1 2008). "Crime-

related prohibition" is defined as "[a]n order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct." RCW 9.94A.030(10).

Some conditions of release are mandatory, while the trial court has discretion in imposing other conditions. RCW 9.94A.712(6). Under RCW 9.94A.712(6)(a), the trial court *may* order the defendant to "perform affirmative conduct reasonably related to the circumstances of the offense, the offender's risk of reoffending, or the safety of the community." Under RCW 9.94A.700(5)(e), the trial court *may* also order the defendant to "comply with any crime-related prohibitions."

Imposing conditions of community custody is within the discretion of the sentencing court and will be reversed if manifestly unreasonable. *State v. Riley*, 121 Wash.2d 22, 37, 846 P.2d 1365 (1993). Imposition of an unconstitutional condition would, of course, be manifestly unreasonable. *State v. Bahl*, 164 Wash.2d 739, 193 P.3d 678, 686 (2008).

In *O'Cain*, the defendant was found guilty of second degree rape for approaching a woman walking down the street, pulling her aside, and raping her. *O'Cain*, 144 Wn.App. 773. As a condition of community custody he was ordered not to "access the Internet without the prior

approval of your supervising Community Corrections Officer and sex offender treatment provider." *Id.* at 774. O'Cain successfully argued that prohibiting him from unapproved internet access is not crime-related and therefore the trial court erred in imposing it. *Id.* Similarly, Mr. Rocquin's conditions relating to drugs paraphernalia and alcohol are not crime related. There is no indication that Mr. Rocquin was under the influence of drugs or alcohol during the commission of his crimes, nor does substance abuse play a role in his crimes.

Second, the court ordered as a condition of community custody that Mr. Rocquin submit to plethysmograph examinations as directed by his CCO. The Court has held that "it is not permissible for a court to order plethysmograph testing without also imposing crime-related treatment which reasonably would rely upon plethysmograph testing as a physiological assessment measure." *State v. Riles*, 135 Wash.2d 326, 957 P.2d 655, 664-65 (Wash. 1998). Without treatment, the court is impermissibly directing offenders to perform affirmative conduct in violation of RCW 9.9A030 (10). Plethysmograph testing serves no purpose in monitoring compliance with ordinary community placement conditions. *Id.* Instead, plethysmographs gauge immediate sexual arousal in response to various stimuli used as a part of a treatment plan for sex offenders. *Id.* It is a treatment device that can be imposed as part of crime-related treatment or counseling under RCW 9.94A.120(9)(c)(iii).

This is consistent with WAC 246-930-310(7)(c) which states that treatment "[p]roviders shall recognize that plethysmography data is *only* meaningful within the context of a comprehensive evaluation and/or treatment process."

In the case at hand, Mr. Rocquin's community custody condition that he must submit to plethysmograph examinations as directed by his CCO is in clear violation of RCW 9.9A.030 (10). Making Mr. Rocquin submit to plethysmograph examinations outside of crime-related treatment has no purpose.

Third, the court ordered as a condition of community custody that Mr. Rocquin not possess or peruse sexually explicit materials. This condition is unconstitutionally vague and overbroad. Although Mr. Rocquin is incarcerated, this preenforcement challenge is ripe for review because the "issues raised are primarily legal, do not require further factual development, and the challenged action is final." *State v. Bahl*, 164 Wash. 2d 739, 193 P.3d 678 (2008).

The due process vagueness doctrine under the Fourteenth Amendment and article I, section 3 of the state constitution requires that citizens have fair warning of proscribed conduct. *Spokane v. Douglass*, 115 Wash.2d at 178, 795 P.2d 693 (1990). A statute is unconstitutionally vague if it "(1)... does not define the criminal offense

with sufficient definiteness that ordinary people can understand what conduct is proscribed, or (2) ... does not provide ascertainable standards of guilt to protect against arbitrary enforcement." *Id.* (citing *Kolender v. Lawson*, 461 U.S. 352, 357 (1983)). If either of these requirements is not satisfied, the ordinance is unconstitutionally vague. *Spokane v. Douglass*, 115 Wash. 2d at 178. "Vagueness concerns are more acute when a law implicates First Amendment rights and a heightened level of clarity and precision is demanded of criminal statutes because their consequences are more severe." *United States v. Williams*, 444 F.3d 1286, 1306 (11th Cir.2006), *rev'd on other grounds*, ___ U.S. ___, 128 S.Ct. 1830, 170 L.Ed.2d 650 (2008). In deciding whether a term is unconstitutionally vague, the terms are not considered in a "vacuum," rather, they are considered in the context in which they are used. *Douglass*, 115 Wash.2d at 180, 795 P.2d 693. When a statute does not define a term, the court may consider the plain and ordinary meaning as set forth in a standard dictionary. *State v. Sullivan*, 143 Wash.2d 162, 184-85, 19 P.3d 1012 (2001); *see also Medina v. Pub. Util. Dist. No. 1 of Benton County*, 147 Wash.2d 303, 315, 53 P.3d 993 (2002); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074, 1080 (4th Cir.2006). If "persons of ordinary intelligence can understand what the [law] proscribes, notwithstanding some possible areas of disagreement, the [law] is sufficiently definite." *Douglass*, 115 Wash. 2d at 179.

Here, Mr. Rocquin is prohibited from possessing or perusing sexually explicit material as a condition of his community custody. This condition is overbroad and vague. Possession and perusing sexually explicit material is not crime-related. The crime at hand dealt with an underage minor. A more appropriate condition would be the prohibition of underage sexually explicit material. Moreover, sexually explicit material is vague and could include advertisements, magazines, and a plethora of material Mr. Rocquin could not possibly shield himself from.

REQUEST FOR RELIEF

Based upon the foregoing, Mr. Rocquin respectfully requests the following relief:

1. Hearing to present further evidence including testimonial evidence to the court.
2. Remand to Superior Court for resentencing.

OATH

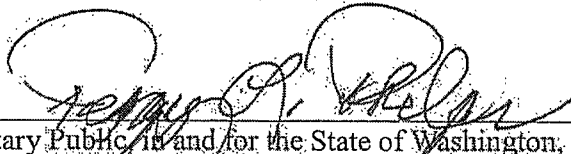
After being first duly sworn, on oath, I depose and say: That I am
the attorney for the petitioner, that I have read the petition, know its
contents, and I believe the petition is true.



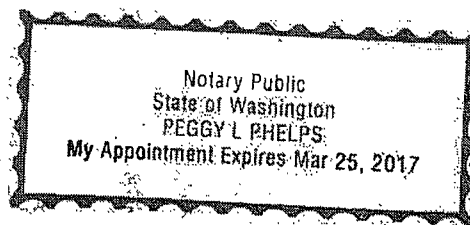
Amber F. Henry, Attorney for Mr. Ryan C. Roquin

WSBA #: 49146

Subscribed and sworn to before me this 17th day of March, 2016



Notary Public, in and for the State of Washington, residing
at Spokane, Washington.



State of Washington

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Case #

200054

14-1-00203-6

Description	Qty	Rate	Amount
Filing Fee for Personal Restraint Petition		250.00	250.00
		Total	\$250.00

Exhibit “A”

Information,

Cause No. 14-01-00203-6

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK
2014 MAY 28 PM 1:17

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

v.

RYAN A. ROCQUIN,
DOB: 10-12-1981

Defendant.

No. 14-1-2036

INFORMATION

P.A. No.: CR14-0198

P.R. No.: APD 14-A06787

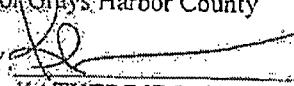
I, Gerald R. Fuller, Interim Prosecuting Attorney for Grays Harbor County, in the name and by the authority of the State of Washington, by this Information do accuse the defendant of the crime(s) of CHILD MOLESTATION IN THE FIRST DEGREE, committed as follows:

That the said defendant, Ryan A. Rocquin, in Grays Harbor County, Washington, on or about the period beginning April 11, 2014, and ending April 13, 2014, had sexual contact with M.A.R., who was less than 12 years old and not married to the defendant, and the defendant was at least 36 months older than M.A.R.;

CONTRARY TO RCW 9A.44.083 and against the peace and dignity of the State of Washington.

DATED this 28th day of May, 2014.

GERALD R. FULLER
Interim Prosecuting Attorney
for Grays Harbor County

BY: 
KATHERINE L. SVOBODA
Chief Criminal Deputy
WSBA #34097

KLS/ws

INFORMATION - 1

PROSECUTING ATTORNEY
GRAYS HARBOR COUNTY COURTHOUSE
102 WEST BROADWAY, ROOM 102
MONTESANO, WA 98562
PHONE 749-3951 FAX 749-6064

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INFORMATION

NAME: RYAN A. ROCQUIN
DOB: 10-12-1981
SSN: 434-61-0745
FBI No.:
WASIS #:
DOC NO.:
D.L.: ROCQURA193PK
OTHER:
HAIR: BROWN
EYES: BROWN
WT: 6'01"
HT: 220 LBS.
GENDER: MALE
RACE: WHITE
LAST KNOWN ADDRESS: 1214 SPUR STREET, ABERDEEN, WA 98520
ORIGINAL CHARGE: CHILD MOLESTATION IN THE FIRST DEGREE
POLICE AGENCY/ OFFICER: ABERDEEN POLICE DEPARTMENT / OFFICER J. PERKINSON
ADDRESS VERIFICATION:
Date of Last Update/Contact:
04-18-2014 DISCIS: 1214 SPUR STREET, P.O. BOX 154, ABERDEEN, WA 98520
08-24-2012 DOL: SAME AS ABOVE
DOC: NO MATCHES

Exhibit "C"

Statement of Defendant on Plea of Guilty to Sex Offense,

Cause No. 14-01-00203-6

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2015 FEB 17 AM 9:43

Superior Court of Washington
For Grays Harbor

State of Washington

Plaintiff

vs.

Ryan Andre Rocquin

Defendant

No. 14-1-203-6

Statement of Defendant on Plea of
Guilty to Sex Offense
(Felony)
(STTDFG)

My true name is: Ryan Andre Rocquin

My age is: 33 - DOB: 10-12-81

The last level of education I completed was 12th grade + Master's Degree in Special Education

I Have Been Informed and Fully Understand That

(a) I have the right to representation by a lawyer and if I cannot afford to pay for a lawyer, one will be provided at no expense to me.

(b) I am charged with: Child Molestation in the First Degree
The elements are: had sexual contact with M.A.D. who was less than 12 years old and not married to the defendant, and the defendant was at least 36 months older than M.A.D.

I Understand I Have the Following Important Rights, and I Give Them Up by Pleading Guilty:

- (a) The right to a speedy and public trial by an impartial jury in the county where the crime was allegedly committed;
- (b) The right to remain silent before and during trial, and the right to refuse to testify against myself;
- (c) The right at trial to hear and question the witnesses who testify against me;

- (d) The right at trial to testify and to have witnesses testify for me. These witnesses can be made to appear at no expense to me;
- (e) The right to be presumed innocent unless the State proves the charge beyond a reasonable doubt or I enter a plea of guilty;
- (f) The right to appeal a finding of guilt after a trial.

In Considering the Consequences of My Guilty Plea, I Understand That

- (a) Each crime with which I am charged carries a maximum sentence, a fine, and a **Standard Sentence Range** as follows:

COUNT NO.	OFFENDER SCORE*	STANDARD RANGE ACTUAL CONFINEMENT (not including enhancements)	PLUS Enhancements*	COMMUNITY CUSTODY	MAXIMUM TERM AND FINE
1	1	149-198 months to life	—	Life	Life / \$50,000
2					
3					

*The sentencing enhancement codes are: (RPh) Robbery of a pharmacy, (CSG) Criminal street gang involving minor, (AE) Endangerment while attempting to elude. The following enhancements will run consecutively to all other parts of my entire sentence, including other enhancements and other counts: (F) Firearm, (D) Other deadly weapon, (SM) Sexual Motivation, RCW 9A.43.03(8), (SCF) Sexual conduct with a child for a fee, RCW 9A.43.03(9), (P16) Passenger(s) under age 16.

- (b) The standard sentence range is based on the crime charged and my criminal history. Criminal history includes prior convictions and juvenile adjudications or convictions, whether in this state, in federal court, or elsewhere.
- (c) The prosecuting attorney's statement of my criminal history is attached to this agreement. Unless I have attached a different statement, I agree that the prosecuting attorney's statement is correct and complete. If I have attached my own statement, I assert that it is correct and complete. If I am convicted of any additional crimes between now and the time I am sentenced, I am obligated to tell the sentencing judge about those convictions.
- (d) If I am convicted of any new crimes before sentencing, or if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding on me. I cannot change my mind if additional criminal history is discovered even though the standard sentencing range and the prosecuting attorney's recommendation increase or a mandatory sentence of life imprisonment without the possibility of parole is required by law.
- (e) In addition to sentencing me to confinement, the judge will order me to pay \$500.00 as a victim's compensation fund assessment and any mandatory fines, fees, assessments, or penalties that apply to my case. If this crime resulted in injury to any person or damage to or loss of property, the judge will order me to make restitution, unless extraordinary circumstances exist which make restitution inappropriate. The amount of restitution may

be up to double my gain or double the victim's loss. The judge may also order that I pay a fine, court costs, attorney fees and the costs of incarceration.

- (f) For sex offenses committed prior to July 1, 2000: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is more than one year, the judge will order me to serve three years of community custody or up to the period of earned early release, whichever is longer. During the period of community custody, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after July 1, 2000 but prior to September 1, 2001: In addition to sentencing me to confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me.

For sex offenses committed on or after September 1, 2001: (i) Sentencing under RCW 9A.507: If this offense is any of the offenses listed in subsections (aa) or (bb), below, the judge will impose a maximum term of confinement consisting of the statutory maximum sentence of the offense and a minimum term of confinement either within the standard range for the offense or outside the standard range if an exceptional sentence is appropriate. The minimum term of confinement that is imposed may be increased by the Indeterminate Sentence Review Board if the Board determines by a preponderance of the evidence that it is more likely than not that I will commit sex offenses if released from custody. In addition to the period of confinement, I will be sentenced to community custody for any period of time I am released from total confinement before the expiration of the maximum sentence. During the period of community custody I will be under the supervision of the Department of Corrections and I will have restrictions and requirements placed upon me, which may include electronic monitoring, and I may be required to participate in rehabilitative programs.

- (aa) If the current offense is any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree committed when I was at least 18 years old	Rape of a child in the second degree committed when I was at least 18 years old
Child molestation in the first degree committed when I was at least 18 years old	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(bb) If the current offense is any sex offense and I have a prior conviction for any of these offenses or attempt to commit any of these offenses:

Rape in the first degree	Rape in the second degree
Rape of a child in the first degree	Rape of a child in the second degree
Child molestation in the first degree	Indecent liberties by forcible compulsion
Any of the following offenses with a finding of sexual motivation:	
Murder in the first degree	Murder in the second degree
Homicide by abuse	Kidnapping in the first degree
Kidnapping in the second degree	Assault in the first degree
Assault in the second degree	Assault of a child in the first degree
Assault of a child in the second degree	Burglary in the first degree

(ii) If this offense is a sex offense that is not listed in paragraph 6(f)(i), then in addition to sentencing me to a term of confinement, the judge may order me to serve up to one year of community custody if the total period of confinement ordered is not more than 12 months. If the period of confinement is over one year, or if my crime is failure to register as a sex offender, and this is my second or subsequent conviction of that crime, the judge will sentence me to community custody for 36 months or up to the period of earned release, whichever is longer. During the period of community custody to which I am sentenced, I will be under the supervision of the Department of Corrections, and I will have restrictions and requirements placed upon me, which may include electronic monitoring.

For sex offenses committed on or after March 20, 2006: For the following offenses and special allegations, the minimum term shall be either the maximum of the standard sentence range for the offense or 25 years, whichever is greater.

1) If the offense is rape of a child in the first degree, rape of a child in the second degree or child molestation in the first degree and the offense includes a special allegation that the offense was predatory.

2) If the offense is rape in the first degree, rape in the second degree, indecent liberties by forcible compulsion, or kidnapping in the first degree with sexual motivation and the offense includes special allegation that the victim of the offense was under 15 years of age at the time of the offense.

3) If the offense is rape in the first degree, rape in the second degree with forcible compulsion, indecent liberties with forcible compulsion, or kidnapping in the first degree with sexual motivation and this offense includes a special allegation that the victim of the offense was, at the time of the offense, developmentally disabled, mentally disordered, or a frail elder or vulnerable adult.

Community Custody Violation: If I violate the conditions of my community custody, the Department of Corrections may sanction me up to 60 days confinement per violation and/or revoke my earned early release, or the Department of Corrections may impose additional conditions or other stipulated penalties. The court also has the authority to impose sanctions for any violation.

The prosecuting attorney will make the following recommendation to the judge:

☒ The prosecutor will recommend as stated in the plea agreement, which is incorporated by reference.

(h) The judge does not have to follow anyone's recommendation as to sentence. The judge must impose a sentence within the standard range unless the judge finds substantial and compelling reasons not to do so (except as provided in paragraph 6(f)). I understand the following regarding exceptional sentences:

- (i) The judge may impose an exceptional sentence below the standard range if the judge finds mitigating circumstances supporting an exceptional sentence.
- (ii) The judge may impose an exceptional sentence above the standard range if I am being sentenced for more than one crime and I have an offender score of more than nine.
- (iii) The judge may also impose an exceptional sentence above the standard range if the State and I stipulate that justice is best served by imposition of an exceptional sentence and the judge agrees that an exceptional sentence is consistent with and in furtherance of the interests of justice and the purposes of the Sentencing Reform Act.
- (iv) The judge may also impose an exceptional sentence above the standard range if the State has given notice that it will seek an exceptional sentence, the notice states aggravating circumstances upon which the requested sentence will be based, and facts supporting an exceptional sentence are proven beyond a reasonable doubt to a unanimous jury, to a judge if I waive a jury, or by stipulated facts.

If the court imposes a standard range sentence, then no one may appeal the sentence. If the court imposes an exceptional sentence after a hearing, either the State or I can appeal the sentence.

(i) If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

(ii) I may not possess, own, or have under my control any firearm, and under federal law any firearm or ammunition, unless my right to do so is restored by the court in which I am convicted or the superior court in Washington State where I live, and by a federal court if required. I must immediately surrender any concealed pistol license.

(k) I will be ineligible to vote until that right is restored in a manner provided by law. If I am registered to vote, my voter registration will be cancelled. Wash. Const. art. VI, § 3, RCW 29A.04.079, 29A.08.520.

(l) Government assistance may be suspended during any period of confinement.

(m) I will be required to register where I reside, study or work. The specific registration requirements are described in the "Offender Registration" Attachment.

(n) I will be required to have a biological sample collected for purposes of DNA identification analysis, unless it is established that the Washington State Patrol crime laboratory already

has a sample from me for a qualifying offense. I will be required to pay a \$100.00 DNA collection fee.

(a) I will be required to undergo testing for the human immunodeficiency (HIV/AIDS) virus.

Notification Relating to Specific Crimes: If any of the following paragraphs **DO NOT APPLY**, counsel and the defendant shall strike them out. The defendant and the judge shall initial all paragraphs that **DO APPLY**.

(p) This offense is a most serious offense or "strike" as defined by RCW 9.94A.030, and if I have at least two prior convictions for most serious offenses, whether in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole. In addition, if this offense is (i) rape in the first degree, rape of a child in the first degree, rape in the second degree, rape of a child in the second degree, indecent liberties by forcible compulsion, or child molestation in the first degree, or (ii) murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree, with a finding of sexual motivation, or (iii) any attempt to commit any of the offenses listed in this sentence and I have at least one prior conviction for one of these listed offenses in this state, in federal court, or elsewhere, the offense for which I am charged carries a mandatory sentence of life imprisonment without the possibility of parole.

(q) **Special sex offender sentencing alternative:** In addition to other eligibility requirements under RCW 9.94A.670, to be eligible for the special sex offender sentencing alternative, I understand that I must voluntarily and affirmatively admit that I committed all of the elements of the crime(s) to which I am pleading guilty. I make my voluntary and affirmative admission in my statement in paragraph 11.

For offenses committed before September 1, 2001: The judge may suspend execution of the standard range term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under former RCW 9.94A.120(8) (for offenses committed before July 1, 2001) or RCW 9.94A.670 (for offenses committed on or after July 1, 2001). If the judge suspends execution of the standard range term of confinement, I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater; I will be ordered to serve up to 180 days of total confinement; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

For offenses committed on or after September 1, 2001: The judge may suspend execution of the standard range term of confinement or the minimum term of confinement under the special sex offender sentencing alternative (SSOSA) if I qualify under RCW 9.94A.670. If the judge suspends execution of the standard range term of confinement for a sex offense that is not listed in paragraph 6(f)(i), I will be placed on community custody for the length of the suspended sentence or three years, whichever is greater. If the judge suspends execution of the minimum term of confinement for a sex offense listed in paragraph 6(f)(i),

I will be placed on community custody for the length of the statutory maximum sentence of the offense. In addition to the term of community custody, I will be ordered to serve up to 180 days of total confinement if I committed the crime prior to July 1, 2005, or up to 12 months with no early release if I committed the crime on or after July 1, 2005; I will be ordered to participate in sex offender treatment; I will have restrictions and requirements placed upon me, which may include electronic monitoring; and I will be subject to all of the conditions described in paragraph 6(e). Additionally, the judge could require me to devote time to a specific occupation and to pursue a prescribed course of study or occupational training. If a violation of the sentence occurs during community custody, the judge may revoke the suspended sentence.

(r) If this is a crime of domestic violence, the court may order me to pay a domestic violence assessment of up to \$100.00. If I, or the victim of the offense, have a minor child, the court may order me to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

(s) If I am subject to community custody and the judge finds that I have a chemical dependency that has contributed to the offense, the judge may order me to participate in rehabilitative programs or otherwise to perform affirmative conduct reasonably related to the circumstances of the crime for which I am pleading guilty.

(t) I understand that RCW 46.20.285(4) requires that my driver's license be revoked if the judge finds I used a motor vehicle in the commission of this felony.

(u) If I am pleading guilty to felony driving under the influence of intoxicating liquor, or any drugs, or felony actual physical control of a motor vehicle while under the influence of intoxicating liquor, or any drug, in addition to the provisions of chapter 9.94A RCW, I will be required to undergo alcohol or chemical dependency treatment services during incarceration. I will be required to pay the costs of treatment unless the court finds that I am indigent. My driving privileges will be suspended, revoked, or denied. Following the period of suspension, revocation, or denial, I must comply with the Department of Licensing ignition interlock device requirements. In addition to any other costs of the ignition interlock device, I will be required to pay an additional fee of \$20 per month.

(v) For the crimes of vehicular homicide committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.520 or for vehicular assault committed while under the influence of intoxicating liquor, or any drug as defined by RCW 46.61.522, or for any felony driving under the influence (RCW 46.61.502(6)), or felony physical control under the influence (RCW 46.61.504(6)), the court shall add 12 months to the standard sentence range for each child passenger under the age of 16 who is an occupant in the defendant's vehicle. These enhancements shall be mandatory, shall be served in total confinement, and shall run consecutively to all other sentencing provisions.

(w) For the crimes of felony driving under the influence of intoxicating liquor, or any drug, for vehicular homicide while under the influence of intoxicating liquor, or any drug, or vehicular assault while under the influence of intoxicating liquor, or any drug, the court may order me to reimburse reasonable emergency response costs up to \$2,500 per incident.

- (x) The crime of _____ has a mandatory minimum sentence of at least _____ years of total confinement. This law does not apply to crimes committed on or after July 24, 2005, by a juvenile who was tried as an adult after decline of juvenile court jurisdiction. The law does not allow any reduction of this sentence. This mandatory minimum sentence is not the same as the mandatory sentence of life imprisonment without the possibility of parole described in paragraph 6(p).
- (y) I am being sentenced for two or more serious violent offenses arising from separate and distinct criminal conduct and the sentences imposed on counts _____ and _____ will run consecutively unless the judge finds substantial and compelling reasons to do otherwise.
- (z) I may be required to register as a felony firearm offender under RCW 9A.41. _____. The specific registration requirements are in the "Felony Firearm Offender Registration" Attachment.
- (aa) The offense(s) I am pleading guilty to include a deadly weapon, firearm or sexual motivation enhancement. Deadly weapon, firearm, or sexual motivation enhancements are mandatory, they must be served in total confinement, and they must run consecutively to any other sentence and to any other deadly weapon, firearm, or sexual motivation enhancements.
- (bb) ~~For crimes committed on or after July 22, 2007: If I am pleading guilty to rape of a child in the first, second, or third degree or child molestation in the first, second or third degree, and I engaged, agreed or offered to engage the victim in sexual intercourse or sexual contact for a fee, or if I attempted, solicited another, or conspired to engage, agree or offer to engage the victim in sexual intercourse or sexual contact for a fee, then a one-year enhancement shall be added to the standard sentence range. If I am pleading guilty to more than one offense, the one-year enhancement must be added to the total period of total confinement for all offenses, regardless of which underlying offense is subject to the enhancement.~~
- (cc) If I am pleading guilty to patronizing a prostitute or commercial sexual abuse of a minor, a condition of my sentence will be that I not be subsequently arrested for patronizing a prostitute or commercial sexual abuse of a minor. The court will impose crime-related geographical restrictions on me, unless the court finds they are not feasible. If this is my first offense, the court will order me to attend a program designed to educate me about the negative costs of prostitution.

Page 7
I plead guilty to:

count one
count _____
count _____
count _____

in the original Information. I have received a copy of that Information.

Page 8
I make this plea freely and voluntarily.

Page 9
No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

10.

No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

11.

The judge has asked me to state what I did in my own words that makes me guilty of this crime. This is my statement: On or about the first beginning April 11, 2014 and ending April 13, 2014, I had sexual contact with M.A.R. who was less than 12 years old and not married to me and I was at least 36 months older than M.A.R. in Grays Harbor County, Washington.

12.

☒ Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea.

My lawyer has explained to me, and we have fully discussed, all of the above paragraphs and the "Offender Registration" Attachment. I understand them all. I have been given a copy of this "Statement of Defendant on Plea of Guilty." I have no further questions to ask the judge.

[Signature]
Defendant

I have read and discussed this statement with the defendant and believe that the defendant is competent and fully understands the statement.

[Signature]
Defendant's Lawyer

[Signature]
Prosecuting Attorney

Print Name

WSBA No. 34097

[Signature]
Print Name

WSBA No. 28935

The defendant signed the foregoing statement in open court in the presence of the defendant's lawyer and the undersigned judge. The defendant asserted that [check appropriate box]:

- ☐ (a) The defendant had previously read the entire statement above and that the defendant understood it in full.
- ☐ (b) The defendant's lawyer had previously read to him or her the entire statement above and that the defendant understood it in full; or
- ☐ (c) An interpreter had previously read to the defendant the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

Interpreter's Declaration: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the defendant understands. I have interpreted this document for the defendant from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____, on (date) _____.

Interpreter

Print Name

I find the defendant's plea of guilty to be knowingly, intelligently and voluntarily made. Defendant understands the charges and the consequences of the plea. There is a factual basis for the plea. The defendant is guilty as charged.

Dated: 2/17/14


Judge:

Exhibit "F"

Felony Judgment and Sentence,

Cause No. 14-01-00203-6

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2015 MAR-20 PM 4:21

WARR CLK 3
DOC 2
DOL 2
F/U 2
ABST 2
S G 2
PROS 2
FN COL 2
OFR (FAX) 2
GHHD 2

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

State of Washington,

Plaintiff,

vs.

RYAN A. ROCQUIN,

Defendant.

PCN:

SID:

DOB: 10-12-1981

No. 14-1-203-6

Felony Judgment and Sentence --

Prison

☒ RCW 9.94A.507 Prison Confinement
(Sex Offense and Kidnapping of a Minor)
(FJS)

☒ Clerk's Action Required, para 2, 1, 4.1, 4.3a,
4.3b, 4.8, 5.2, 5.3, 5.5 and 5.7

☐ Defendant Used Motor Vehicle

☐ Juvenile Decline ☐ Mandatory ☐ Discretionary

I. Hearing

1.1 The court conducted a sentencing hearing this date; the defendant, the defendant's lawyer, and the (deputy) prosecuting attorney were present.

II. Findings

2.1 Current Offenses: The defendant is guilty of the following offenses, based upon guilty plea (date)
February 17, 2015:

Count	Crime	RCW (w/subsection)	Class	Date of Crime
1	CHILD MOLESTATION IN THE FIRST DEGREE	9A-44-083	A	The period beginning April 11, 2014, and ending April 13, 2014

Class: FA (Felony-A), FB (Felony-B), FC (Felony-C)

(If the crime is a drug offense, include the type of drug in the second column.)

- ☒ The defendant is a sex offender subject to indeterminate sentencing under RCW 9.94A.507.
☐ The victim was under 15 years of age at the time of the offense in Count _____ RCW 9.94A.837.
☐ The defendant acted with sexual motivation in committing the offense in Count _____ RCW 9.94A.835.

☒ Other current convictions listed under different cause numbers used in calculating the offender score are
(list offense and cause number):

Crime	Date of Crime	Sentencing Court (County & State)	A or J (Adult or Juvenile)	Type of Crime	Points	DV*
Sexual Exploitation of a Minor	2014	Grays Harbor, WA 14-1-376-8	A	F	3	

Felony Judgment and Sentence (FJS) (Prison)
(Sex Offense and Kidnapping of a Minor Offense)
(RCW 9.94A.500, .505)(WPF CR 84.0400 (06/2014))

Page 1 of 10

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Poss. Depictions 1 st	2014	Grays Harbor, WA 14-1-376-8	A	F	3	
Poss. Depictions 2 nd	2014	Grays Harbor, WA 14-1-376-8	A	F	3	

*DV: Domestic Violence was pled and proved.

2.2 Criminal History (RCW 9.94A.525):

The defendant has no known felony convictions.

2.3 Sentencing Data:

Count No.	Offender Score	Serious-ness Level	Standard Range (not including enhancements)	Plus Enhancements*	Total Standard Range (including enhancements)	Maximum Term
1	9	X	149 to 198 months to Life	NONE	149 to 198 months to Life	LIFE/\$50,000

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (RPh) Robbery of a pharmacy, (VH) Veh. Hom. see RCW 46.61.520, (JP) Juvenile present, (SM) Sexual motivation, RCW 9.94A.533(8), (SCF) Sexual conduct with a child for a fee, RCW 9.94A.533(9), (CSG) criminal street gang involving minor, (AE) endangerment while attempting to elude, (ALF) assault law enforcement with firearm, RCW 9.94A.533(12), (P16) Passenger(s) under age 16.

☒ Additional current offense sentencing data is attached in Appendix 2.3.

For violent offenses, most serious offenses, or armed offenders, recommended sentencing agreements or plea agreements are ☐ attached ☒ as follows: 198 months to Life.

2.4 ☐ Exceptional Sentence. The court finds substantial and compelling reasons that justify an exceptional sentence:

- ☐ below the standard range for Count(s) _____
- ☐ above the standard range for Count(s) _____

☐ The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.

☐ Aggravating factors were ☐ stipulated by the defendant, ☐ found by the court after the defendant waived jury trial, ☐ found by jury, by special interrogatory.

☐ within the standard range for Count(s) _____ but served consecutively to Count(s) _____ Findings of fact and conclusions of law are attached in Appendix 2.4. ☐ Jury's special interrogatory is attached. The Prosecuting Attorney ☐ did ☐ did not recommend a similar sentence.

2.5 Legal Financial Obligations/Restitution. The court has considered the total amount owing, the defendant's present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. (RCW 10.01.160). The court makes the following specific findings:

- ☒ The defendant has/will have the ability to pay restitution and legal financial obligations in the future.
- ☐ The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753): _____
- ☐ The defendant has the present means to pay costs of incarceration. RCW 9.94A.760.
- ☐ (Name of agency) _____'s costs for its emergency response are reasonable. RCW 38.52.430 (effective August 1, 2012).

- 2.6 ☐ **Felony Firearm Offender Registration.** The defendant committed a felony firearm offense as defined in RCW 9A.10.010.
- ☐ The court considered the following factors:
- ☐ the defendant's criminal history.
 - ☐ whether the defendant has previously been found not guilty by reason of insanity of any offense in this state or elsewhere.
 - ☐ evidence of the defendant's propensity for violence that would likely endanger persons.
 - ☐ other: _____
- ☐ The court decided the defendant ☐ should ☐ should not register as a felony firearm offender.

III. Judgment

- 3.1 The defendant is *guilty* of the Counts and Charges listed in Paragraph 2.1 and Appendix 2.1.

IV. Sentence and Order

It is ordered:

- 4.1 **Confinement.** The court sentences the defendant to total confinement as follows:

- (a) **Confinement.** RCW 9.94A.589. A term of total confinement in the custody of the Department of Corrections (DOC):

_____ months on Count _____

☐ The confinement time on Count(s) _____ contain(s) a mandatory minimum term of _____

☐ The confinement time on Count _____ includes _____ months as enhancement for ☐ firearm ☐ deadly weapon ☐ sexual motivation ☐ VUCSA in a protected zone ☐ manufacture of methamphetamine with juvenile present ☐ sexual conductor with a child for a fee.

Actual number of months of total confinement ordered is: _____

All counts shall be served concurrently, except for the portion of those counts for which there is an enhancement as set forth above at Section 2.3; and except for the following counts which shall be served consecutively: _____

This sentence shall run consecutively with the sentence in the following cause number(s) (see RCW 9.94A.589(3)): _____

Confinement shall commence immediately unless otherwise set forth here: _____

- (b) **Confinement.** RCW 9.94A.507 (Sex Offenses only): The court orders the following term of confinement in the custody of the DOC:

Count 1 minimum term: 198 months maximum term: Statutory Maximum
Count _____ minimum term: _____ maximum term: Statutory Maximum

- (c) **Credit for Time Served.** The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The jail shall compute time served.

- (d) ☐ **Work Ethic Program.** RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic program. The court recommends that the defendant serve the sentence at a work ethic program. Upon completion of work ethic program, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions in Section 4.2. Violation of the conditions of community custody may result in a return to total confinement for remaining time of confinement.

4.2 Community Custody. (To determine which offenses are eligible for or required for community custody see RCW 9.94A.701, RCW 10.95.030(3))

(A) The defendant shall be on community custody for:

Count(s) _____ 36 months Sex Offenses
Count(s) _____ 36 months for Serious Violent Offenses
Count(s) _____ 18 months for Violent Offenses
Count(s) _____ 12 months (for crimes against a person, drug offenses, or offenses involving the unlawful possession of a firearm by a street gang member or associate)

(Sex offenses, only) For Count 1, sentenced under RCW 9.94A.507, for any period of time the defendant is released from total confinement before the expiration of the statutory maximum: LIFE

(B) While on community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while on community custody; (6) not own, use, or possess firearms or ammunition; (7) pay supervision fees as determined by DOC; (8) perform affirmative acts as required by DOC to confirm compliance with the orders of the court; (9) for sex offenses, submit to electronic monitoring if imposed by DOC; and (10) abide by any additional conditions imposed by DOC under RCW 9.94A.704 and .706. The defendant's residence location and living arrangements are subject to the prior approval of DOC while on community custody. For sex offenders sentenced under RCW 9.94A.709, the court may extend community custody up to the statutory maximum term of the sentence.

The court orders that during the period of supervision the defendant shall:

- ☐ consume no alcohol.
- ☐ have no contact with _____
- ☐ remain ☐ within ☐ outside of a specified geographical boundary, to wit: _____
- ☐ not reside within 880 feet of the facilities or grounds of a public or private school (community protection zone). RCW 9.94A.030.
- ☐ participate in an education program about the negative costs of prostitution.
- ☐ participate in the following crime-related treatment or counseling services: _____
- ☐ undergo an evaluation for treatment for ☐ domestic violence ☐ substance abuse ☐ mental health ☐ anger management, and fully comply with all recommended treatment. _____
- ☒ comply with the following crime-related prohibitions: The defendant shall have no crimes against persons; No registration offenses.
- ☒ Other conditions:
 - 1. The defendant shall follow all sex offender registration requirements.
 - 2. The defendant shall have no contact with juveniles under 18 years of age.
 - 3. The defendant shall obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a State-certified therapist approved by his CCO.
 - 4. The defendant shall submit to polygraph examinations to monitor compliance with conditions and/or treatment at the direction of CCO and/or therapist. Must not be found deceptive.
 - 10. The defendant shall not possess, use, or have access to, any computer or device with any access to the internet, except as approved by DOC.

(C) For sentences imposed under RCW 9.94A.507, the Indeterminate Sentence Review Board may impose other conditions (including electronic monitoring if DOC so recommends). In an emergency, DOC may impose other conditions for a period not to exceed seven working days.

Court Ordered Treatment: If any court orders mental health or chemical dependency treatment, the defendant must notify DOC and the defendant must release treatment information to DOC for the duration of incarceration and supervision. RCW 9.94A.562.

(D) If the defendant committed the above crime(s) while under age 18 and is sentenced to more than 20 years of confinement:

- (i) As long as the defendant's conviction is not for aggravated first degree murder or certain sex crimes, and the defendant has not committed any crimes after he or she turned 18 or committed a major violation in the 12 months before the petition is filed, the defendant may petition the Indeterminate Sentence Review Board (Board) for early release after the defendant has served 20 years.
- (ii) If the defendant is released early because the petition was granted or by other action of the Sentence Review Board, the defendant may be subject to community custody under the supervision of the DOC for a period of time determined by the Board. The defendant will be required to comply with any conditions imposed by the Board.

4.3a Legal Financial Obligations: The defendant shall pay to the clerk of this court:

JASS CODE

PCV

\$ 500.00 Victim assessment RCW 7.68.035

CRC

\$ 200.00 Court costs, including RCW 9.94A.760, 9.94A.505, 10.01.160, 10.46.190

\$ 100.00 DNA collection fee RCW 43.43.7541

PUB

\$ _____ Fees for court appointed attorney RCW 9.94A.760

\$ 675.75 Restitution to: Adam Maurer, 1425 View Ave., Centralia, WA 98531

\$ 398.10 Restitution to: Crime Victims Compensation Program, Dept. of Labor and Industries, POB 44520, Olympia, WA 98504-4520, #VR93511

\$ _____ Total RCW 9.94A.760

☒ The above total does not include all restitution or other legal financial obligations, which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

☒ shall be set by the prosecutor.

☐ is scheduled for _____ (date).

☒ The defendant waives any right to be present at any restitution hearing (sign initials): _____

☐ Restitution Schedule attached.

☒ The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

☒ All payments shall be made in accordance with the policies of the clerk of the court and on a schedule established by DOC or the clerk of the court, commencing immediately, unless the court specifically sets forth the rate here: Not less than \$ _____ per month commencing _____ RCW 9.94A.760.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b).

- ☐ The court orders the defendant to pay costs of incarceration at the rate of \$_____ per day, (actual costs not to exceed \$100 per day). (JLR) RCW 9.94A.760. (This provision does not apply to costs of incarceration collected by DOC under RCW 72.09.111 and 72.09.480.)

The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090. An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW 10.73.160.

- 4.3b ☐ **Electronic Monitoring Reimbursement.** The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$_____.

- 4.4 **DNA Testing.** The defendant shall have a biological sample collected for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency shall be responsible for obtaining the sample prior to the defendant's release from confinement. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from the defendant for a qualifying offense. RCW 43.43.754.

☒ **HIV Testing.** The defendant shall submit to HIV testing. RCW 70.24.340.

- 4.5 **No Contact:**

☒ The defendant shall not have contact with (name) M.A.R. including, but not limited to, personal, verbal, telephonic, written or contact through a third party for LIFE (which does not exceed the maximum statutory sentence).

☒ The defendant is excluded or prohibited from coming within: 150 Yards (distance) of: Melissa Hauer (name of protected person(s))
☒ home/ residence ☒ work place ☐ school ☐ (other location(s))

☐ other location: _____ or
for _____ (which does not exceed the maximum statutory sentence).

☒ A separate Domestic Violence No-Contact Order, Antiharassment No-Contact Order, Stalking No-Contact Order, or Sexual Assault Protection Order is filed concurrent with this Judgment and Sentence.

- 4.6 **Other:**

- 4.7 **Off-Limits Order:** (Known drug trafficker). RCW 10.66.020: The following areas are off limits to the defendant while under the supervision of the county jail or Department of Corrections: _____

- 4.8 **Exoneration:** The Court hereby exonerates any bail, bond and/or personal recognizance conditions.

V. Notices and Signatures

- 5.1 **Collateral Attack on Judgment.** If you wish to petition or move for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, you must do so within one year of the final judgment in this matter, except as provided for in RCW 10.73.100, RCW 10.73.090.

- 5.2 **Length of Supervision.** If you committed your offense prior to July 1, 2000, you shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial

obligations unless the court extends the criminal judgment an additional 10 years. If you committed your offense on or after July 1, 2000, the court shall retain jurisdiction over you, for the purpose of your compliance with payment of the legal financial obligations, until you have completely satisfied your obligation, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505(5). The clerk of the court has authority to collect unpaid legal financial obligations at any time while you remain under the jurisdiction of the court for purposes of your legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 Notice of Income-Withholding Action. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections (DOC) or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.7602. Other income-withholding action under RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 Community Custody Violation.

(a) If you are subject to a first or second violation hearing and DOC finds that you committed the violation, you may receive as a sanction up to 60 days of confinement per violation. RCW 9.94A.633.

(b) If you have not completed your maximum term of total confinement and you are subject to a third violation hearing and DOC finds that you committed the violation, DOC may return you to a state correctional facility to serve up to the remaining portion of your sentence. RCW 9.94A.714.

5.5a Firearms. You may not own, use or possess any firearm, and under federal law any firearm or ammunition, unless your right to do so is restored by the court in which you are convicted or the superior court in Washington State where you live, and by a federal court if required. You must immediately surrender any concealed pistol license. (The clerk of the court shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040 and RCW 9.41.047.

5.5b ☐ Felony Firearm Offender Registration. The defendant is required to register as a felony firearm offender. The specific registration requirements are in the "Felony Firearm Offender Registration" attachment.

5.6 Sex and Kidnapping Offender Registration. RCW 9A.44.128, 9A.44.130, 10.01.200.

1. General Applicability and Requirements: Because this crime involves a sex offense or kidnapping offense involving a minor as defined in RCW 9A.44.128, you are required to register.

If you are a resident of Washington, you must register with the sheriff of the county of the state of Washington where you reside. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of the state of Washington where you will be residing.

If you are not a resident of Washington but you are a student in Washington or you are employed in Washington or you carry on a vocation in Washington, you must register with the sheriff of the county of your school, place of employment, or vocation. You must register within three business days of being sentenced unless you are in custody, in which case you must register at the time of your release with the person designated by the agency that has jurisdiction over you. You must also register within three business days of your release with the sheriff of the county of your school, where you are employed, or where you carry on a vocation.

2. Offenders Who are New Residents or Returning Washington Residents: If you move to Washington or if you leave this state following your sentencing or release from custody but later move back to Washington, you must register within three business days after moving to this state. If you leave this state following your sentencing or release from custody but later while not a resident of Washington you become employed in Washington, carry on a vocation in Washington, or attend school in Washington, you must register within three business days after starting school in this state or becoming employed or carrying out a vocation in this state.

3. Change of Residence Within State: If you change your residence within a county, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of residence to

the sheriff within three business days of moving. If you change your residence to a new county within this state, you must register with the sheriff of the new county within three business days of moving. Also within three business days, you must provide, by certified mail, with return receipt requested or in person, signed written notice of your change of address to the sheriff of the county where you last registered.

4. Leaving the State or Moving to Another State: If you move to another state, or if you work, carry on a vocation, or attend school in another state you must register a new address, fingerprints, and photograph with the new state within three business days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. If you move out of the state, you must also send written notice within three business days of moving to the new state or to a foreign country to the county sheriff with whom you last registered in Washington State.

5. Notification Requirement When Enrolling in or Employed by a Public or Private Institution of Higher Education or Common School (K-12): You must give notice to the sheriff of the county where you are registered within three business days:

- i) before arriving at a school or institution of higher education to attend classes;
- ii) before starting work at an institution of higher education; or
- iii) after any termination of enrollment or employment at a school or institution of higher education.

6. Registration by a Person Who Does Not Have a Fixed Residence: Even if you do not have a fixed residence, you are required to register. Registration must occur within three business days of release in the county where you are being supervised if you do not have a residence at the time of your release from custody. Within three business days after losing your fixed residence, you must send signed written notice to the sheriff of the county where you last registered. If you enter a different county and stay there for more than 24 hours, you will be required to register with the sheriff of the new county not more than three business days after entering the new county. You must also report weekly in person to the sheriff of the county where you are registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. You must keep an accurate accounting of where you stay during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

7. Application for a Name Change: If you apply for a name change, you must submit a copy of the application to the county sheriff of the county of your residence and to the state patrol not fewer than five days before the entry of an order granting the name change. If you receive an order changing your name, you must submit a copy of the order to the county sheriff of the county of your residence and to the state patrol within three business days of the entry of the order. RCW 9A.44.130(7).

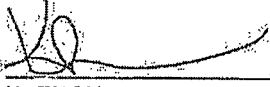
5.7 ☐ **Department of Licensing Notice:** The court finds that Count _____ is a felony in the commission of which a motor vehicle was used. Clerk's Action - The clerk shall forward an Abstract of Court Record (ACR) to the DOL, which must revoke the Defendant's driver's license. RCW 46.20.285. Findings for DUI, Physical Control, Felony DUI or Physical Control, Vehicular Assault, or Vehicular Homicide (ACR information):

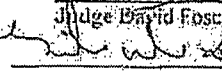
- ☐ Within two hours after driving or being in physical control of a vehicle, the defendant had an alcohol concentration of breath or blood (BAC) of _____.
- ☐ No BAC test result.
- ☐ BAC Refused. The defendant refused to take a test offered pursuant to RCW 46.20.308.
- ☐ Drug Related. The defendant was under the influence of or affected by any drug.
- ☐ THC level was _____ within two hours after driving.
- ☐ Passenger under age 16. The defendant committed the offense while a passenger under the age of sixteen was in the vehicle.

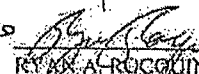
Vehicle Info.: ☐ Commercial Veh.; ☐ 16 Passenger Veh.; ☐ Hazmat Veh..

5.8 Other: _____

Done in Open Court and in the presence of the defendant this date: 3/20/15


KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA No. 34097

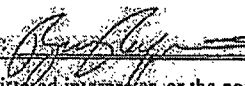

JUDGE David Foscoe
ERIK M. KUPKA
Attorney for Defendant
WSBA No. 28835


RYAN A. ROCQUIN
Defendant

Voting Rights Statement: I acknowledge that I have lost my right to vote because of this felony conviction. If I am registered to vote, my voter registration will be cancelled.

My right to vote is provisionally restored as long as I am not under the authority of DOC (not serving a sentence of confinement in the custody of DOC and not subject to community custody as defined in RCW 9.94A.030). I must re-register before voting. The provisional right to vote may be revoked if I fail to comply with all the terms of my legal financial obligations or an agreement for the payment of legal financial obligations.

My right to vote may be permanently restored by one of the following for each felony conviction: a) a certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) a court order issued by the sentencing court restoring the right, RCW 9.92.066; c) a final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) a certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 29A.84.660. Registering to vote before the right is restored is a class C felony, RCW 29A.84.140.

Defendant's signature: 

I am a certified or registered interpreter, or the court has found me otherwise qualified to interpret, in the _____ language, which the defendant understands. I interpreted this Judgment and Sentence for the defendant into that language.

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____ (state) _____ on (date) _____

Interpreter _____

Print Name _____

VI. Identification of the Defendant

SID No. _____ Date of Birth 10-12-1981
(If no SID complete a separate Applicant card
(form FD-258) for State Patrol)

FBI No. _____ Local ID No. _____

PCN No. _____ Other _____

Alias name, DOB: _____

Race: _____ Ethnicity: _____ Sex: _____
☐ Asian/Pacific Islander ☐ Black/African-American ☒ Caucasian ☐ Hispanic ☒ Male
☐ Native American ☐ Other: _____ ☐ Non-Hispanic ☐ Female

Fingerprints: I attest that I saw the defendant who appeared in court affix his or her fingerprints and signature on this document.

Clerk of the Court, Deputy Clerk, _____ Dated: _____

The defendant's signature: _____

Left four fingers taken simultaneously	Left Thumb	Right Thumb	Right four fingers taken simultaneously
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Grays Harbor

STATE OF WASHINGTON]	Cause No.: 14-I-203-6 & 14-I-376-8
]	
Plaintiff]	
v.]	JUDGMENT AND SENTENCE (FELONY)
Ryan A. Rocquin]	APPENDIX H
]	COMMUNITY PLACEMENT / CUSTODY
Defendant]	
]	
DOC No. 380668]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below.

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9A.507 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9A.602 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

14-I-203-6 & 14-I-376-8
Ryan A. Rocquin 380668
Page 1 of 3

(a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:

- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
- (2) Work at Department of Corrections' approved education, employment, and/or community service;
- (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
- (4) While in community custody not unlawfully possess controlled substances;
- (5) Pay supervision fees as determined by the Department of Corrections;
- (6) Receive prior approval for living arrangements and residence location;
- (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9A.505);
- (8) Notify community corrections officer of any change in address or employment; and
- (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

(b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:

- (10) Residence and or living situation must be approved in advance by the CCO.
- (11) Maintain employment as approved by CCO.
- (12) Submit to affirmative acts necessary to monitor compliance.
- (13) Submit to urinalysis testing as directed by CCO.
- (14) Abide by all Sex Offender Registration Laws of the state of Washington.
- (15) Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a therapist approved by his/her CCO.
- (16) No contact with the victims, M.A.R and the victim's family either oral, written or through a third party for life.
- (17) No contact with minors under 18 years of age.
- (18) Do not change therapist or treatment provider without prior approval of the CCO and the treatment provider.
- (19) Submit to polygraph and plethysmograph examinations as directed by the CCO.
- (20) Do not access the internet, email or any and all social media sites without permission from CCO and treatment provider.
- (21) Do not possess or pursue any sexually explicit material.
- (22) Do not enter x-rated movies, peep shows, or adult book stores.
- (23) Do not purchase, possess, or use any illegal controlled substance, or drug paraphernalia without the written prescription of a licensed physician.
- (24) Submit to all testing and reasonable searches of your person, residence and vehicle or personal

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

Page 2 of 3

property.

(25) Do not purchase, possess, or consume alcohol.

(26) Do not enter any business where alcohol is the primary commodity for sale.

(27) Consent to home visits by the Department of Corrections to monitor compliance of supervision.

(27) Obey all laws.

(28) Do not loiter or frequent places where children congregate, including but not limited to shopping malls, schools, playgrounds and video arcades.

(29) Abide by global positioning system (GPS) monitoring as directed by the Court, the Community Custody Board or the Department of Corrections.

DATE

3/10/15

JUDGE David Foscoe COUNTY SUPERIOR COURT

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

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Exhibit “H”

Transcript of March 20, 2015, Sentencing

1
2
3 IN THE SUPERIOR COURT OF THE
4 STATE OF WASHINGTON IN AND FOR THE
5 COUNTY OF GRAYS HARBOR

6 STATE OF WASHINGTON,

7 Plaintiff,

8 vs.

9 RYAN ROCQUIN,

10 Defendant.

11 NO. 14-1-203-6
12 NO. 14-1-376-8

13 VERBATIM REPORT OF PROCEEDINGS
14 BEFORE

15 JUDGE F. MARK McCAULEY - May 28, 2014
16 COMMISSIONER JEAN COTTON - September 24, 2014
17 JUDGE MICHAEL SULLIVAN - November 4, 2014
18 JUDGE DAVID FOSCUE - March 20, 2015

19 Grays Harbor County Courthouse
20 Montesano, Washington

21 A P P E A R A N C E S

22 FOR THE PLAINTIFF: MR. GERALD FULLER
23 MS. KATHERINE SVOBODA
24 PROSECUTING ATTORNEYS

25 FOR THE DEFENDANT: MR. DAVID MISTACHKIN
MR. ERIK KUPKA
ATTORNEYS AT LAW

REPORTED BY: CARMAN PRANTE, CCR (#2513)
OFFICIAL COURT REPORTER
GRAYS HARBOR SUPERIOR COURT
102 W. BROADWAY, #203
MONTESANO, WA 98563

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SEPTEMBER 24, 2014

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NOVEMBER 4, 2014

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MARCH 20, 2015

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1 P R O C E E D I N G S - March 20, 2015 -

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3 - March 20, 2015 -

4 (Judge David Foscue)

5
6 THE COURT: You may be seated. The State
7 versus Ryan Rocquin.

8 MS. SVOBODA: Your Honor, as a matter of
9 housekeeping, before we start. I just wanted to put
10 two things on the record so that - I spoke to counsel
11 about them this morning, but this way his client can
12 acknowledge. In the plea agreement in 14-1-376-8,
13 for Count 1, the State had listed that it would make
14 a recommendation that exceeded the statutory maximum
15 and the same with Count 3. Those both - even though
16 the standard range is higher, the maximum terms are
17 capped at the - at 120 months for Count 1 and 60
18 months for Count 3 and so the State's recommendation
19 is still the top that it can be, but it's - but it is
20 now what is authorized by law to be done.

21 I would also - also Count 3 had been listed
22 as a level 5 offense and it is, in fact, a Level 4.
23 It doesn't change anything in actuality because the
24 other charge is the most serious and it doesn't
25 affect the offender score on that count, so - but

1 just trying to make sure this one - it was a little
2 complicated, so I wanted to make sure we got the
3 numbers right.

4 THE COURT: All right. So let's - what's the
5 statutory maximum for those two?

6 MS. SVOBODA: It - Count 1 is a Class B
7 felony, so it's 120 months, and then Count 3 is a
8 Class C felony, so it's 60 months.

9 THE COURT: 60?

10 MS. SVOBODA: Yes. And the - the statement
11 of prosecutor is correct.

12 THE COURT: The statement of prosecutor says
13 96 months on Count 3.

14 MS. SVOBODA: Oh. I missed that part. I'm
15 sorry, Your Honor, that should be 60 months. I
16 changed it in the - in the initial part of the
17 recommendation.

18 THE COURT: Count 2 is 120 months also?

19 MS. SVOBODA: Count 2 is 102 months, that
20 range is 77 to 102.

21 THE COURT: Okay. You also have the
22 recommendation of \$575 in attorney fees. It doesn't
23 appear in the plea agreement.

24 MS. SVOBODA: Right. That - that will be
25 stricken from the judgment and sentence. He did

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1 retain counsel.

2 THE COURT: All right. Are we ready to
3 proceed?

4 MR. KUPKA: We are. For the record, Your
5 Honor, I reviewed this matter with Ms. Svoboda
6 earlier this afternoon and she advised me of the
7 changes, both on Count 1 and Count 3, and I've
8 reviewed the matter and concur with her.

9 THE COURT: Okay.

10 MS. SVOBODA: Okay. Thank you. Your Honor,
11 I'm asking for sentencing at the top of the range
12 in - in Cause Number 14-1-203-6. In that case the
13 defendant admitted to child molestation in the first
14 degree. The victim is his biological daughter. The
15 standard range is 149 to 198 months to life. It is
16 subject to review by the indeterminate sentence
17 review board. I believe 198 months is appropriate as
18 a bottom. He will then - life would be the maximum
19 and it will be up to the department of corrections to
20 determine his actual release date.

21 In the other Cause Number, 376-8, I'm
22 recommending the maximum on each count, 120 months on
23 Count 1; 102 months on Count 2; and 60 months on
24 Count 3. I believe that by statute all counts would
25 run concurrently. The defendant will have community

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1 custody for life under the 203-6 cause number and 36
2 months community custody under the other. I'm asking
3 the defendant have no contact with the named victim
4 for life, that he have no contact with any minors
5 under the age of 18, that he commit no crimes against
6 persons, have no sex offender registration offenses,
7 that he register as required, that he obtain and
8 complete a sexual deviancy evaluation, and any
9 recommended treatment and that he comply with the
10 Department of Corrections as laid out in the
11 pre-sentence investigation.

12 I think that this case is one in which it
13 just - it very much highlights that these cases don't
14 just have one victim. The entire family and beyond
15 becomes a victim. Obviously the child that was
16 abused is - has suffered more than anyone else. And
17 not only has she been sexually abused, that abuse was
18 documented by the defendant who of all people on this
19 earth should have protected her. He is her father,
20 he abused that relationship and abused that trust.

21 Kind of pooling out from there are the rings
22 in the pond. His ex-wife, this child's mother, has
23 been deeply affected. One can only imagine his
24 current wife and their child, the repercussions they
25 have and will suffer, Mr. Rocquin's family. And

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1 because Mr. Rocquin worked as an educator in this
2 community, the ripples just go out from there. He's
3 had access to other children and it - it puts things
4 in a different light when in the pre-sentence
5 investigation he talks about choosing to become a
6 stay at home father.

7 He is not safe to be in the community, he is
8 not safe around children and any leniency that would
9 be merited by this Court has been given by the - the
10 terms of the plea agreement. And these were reached
11 after several long conversations with Ms. Maurer, the
12 child's mother, trying to balance the punishment that
13 Mr. Rocquin deserves with ensuring that this child
14 will never need to see him again, not on the street
15 and not in a courtroom having to testify. She is
16 extremely young and so in her best interest this plea
17 was made.

18 Ms. Maurer is present in the courtroom and
19 she has written a statement. She has asked me to
20 read that on her behalf, if the Court will allow.

21 THE COURT: Certainly.

22 MS. SVOBODA: Thank you. So on
23 Ms. Maurer's behalf (Reading): Your Honor, my name
24 is Melissa S. Mauer and I am the mother of the victim
25 in the above-noted case to which Ryan Rocquin pleaded

1 guilty on all charges on February 17, 2015. ^{- March 20, 2015 -} It is
2 unfathomable the toll the actions of Ryan Rocquin
3 have taken physically, emotionally and
4 psychologically on my child and myself. It is a toll
5 that I fear may never be accurately calculated, nor
6 comprehended. This letter is to respectfully request
7 that the absolute maximum penalty be sentenced in
8 this case, firstly to protect M.A.R. until she is
9 well into her adulthood; secondly, to provide myself
10 and my family with some marginal peace of mind and a
11 lessened fear of repercussions from the defendant;
12 and thirdly, to protect any possible and/or potential
13 other victims.

14 It is the affects of these crimes on my
15 daughter, M.A.R., that shatter my heart. Starting
16 April 14, 2014, the very same day she told me what
17 the defendant had been doing to her and the day I
18 contacted the police, M.A.R. became too afraid to
19 sleep anywhere but on the floor next to my bed. It
20 was months before she felt safe enough to move to the
21 floor of her own bedroom and months longer before she
22 was even able to nap on her bed - on her own bed.
23 Even now she will go through spells where she cannot
24 sleep in any bed.

25 Within a couple of days M.A.R. had become so

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1 afraid that she was unable to continue attending her
2 daycare stating to the beloved staff there and myself
3 that she was a - quote, she was afraid he would come
4 get her. Her nightmares, which she had been
5 experiencing multiple times a night for several
6 already, heightened in intensity and frequency.

7 Counseling was begun as soon as I was able
8 to find a doctor who could fit her in. M.A.R. had
9 seen a counselor previously and due to an already
10 established rapport and the nature of the situation I
11 was advised that seeing her again at a sooner date
12 was better than a couple month long waiting list for
13 a new doctor. Unfortunately, this counselor was no
14 longer covered by crime victims compensation despite
15 appearing on their approved printout. A fact that
16 was not revealed to me until several months into
17 M.A.R.'s therapy.

18 As of February 10, 2015 2015 M.A.R. has a
19 \$442.86 bill, even after being billed through two
20 private insurances. It is my hope and request that
21 Your Honor will order restitution for this bill and
22 every further session that M.A.R. may need. While
23 counseling has been beneficial and has begun the
24 healing process for M.A.R. there have been some
25 marked changes for her.

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In addition to massive separation anxiety,

she is plagued with headaches and stomachaches and struggles with eating issues. She often wakes screaming "no" in the wee hours. In addition to pendulous and rapid mood swings she is desperate for special attention and can get down on herself using words like ugly and stupid. Words and feelings that no six-year-old should feel about themselves. There have been several instances of her touching herself and saying that's what daddy Ryan did to her or that daddy Ryan said it was okay. Her play is obsessed with babies and birth and she is almost obsessed with concern for her estranged infant half-sister who resides with the defendant's current wife.

The crimes of the defendant are not without impact on myself. Since before she could talk M.A.R. had woken up repeatedly every night screaming no in her sleep. Doctors and lawyers were dismissive of my concerns when voiced and I was told repeatedly to simply wait until she could talk. I hope you can understand the guilt and self horror I feel knowing that my instincts of abuse were correct, but allowing the courts and authorities to create the self doubt that made it so I was unable to protect my daughter. My struggles with depression have resurfaced and the

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1 emotional and psychological strain on our family very
2 nearly cost my husband and I our marriage.

3 That first 911 call set off a whirlwind of
4 meetings with police and detectives, the sexual
5 assault clinic and child protective services. Those
6 hours of lost work, coupled with the hours of long -
7 of lost sleep due to M.A.R.'s nightmares and her fear
8 of being at daycare led to my being laid off from my
9 job. This was a significant adjustment to add to the
10 already rapidly, piling emotional and psychological
11 damages.

12 Prior to the defendant's arrest and
13 incarceration I had just begun to feel safe after the
14 trauma of being stalked by the defendant following
15 the dissolution of my marriage to his narcissistic,
16 emotionally and psychologically abusive self. Even
17 going so far as to stop looking out the window to see
18 if he was out there watching. Suddenly I didn't feel
19 safe anywhere. I couldn't let my kids play outside
20 in our center block fenced yard. The public park was
21 a nightmare. The defendant's unpredictable,
22 fanatical and paranoid behavior led my husband and I
23 to make multiple escape plans. We packed suitcases
24 for ourselves and our two children and kept them with
25 us always.

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1 Our church suddenly began a security detail
2 during service because the defendant had previously
3 made his presence known outside the premises. We
4 couldn't take any risks and the strain was
5 exhausting. I suddenly developed sleeping issues
6 and lost my appetite only to binge when the hunger
7 got to be too much.

8 Counseling for myself was recommended, but I
9 was not able to financially warrant its necessity in
10 addition to M.A.R.'s and my husband's. When M.A.R.
11 began school in the fall I was able to find another
12 much better paying job, but I had to turn in my
13 notice after just one month because of security
14 concerns for M.A.R. she needed me to drop her off at
15 school and pick her up when it was over. The after
16 school program was very expensive and their staff was
17 uncomfortable dealing with the unpredictable history
18 of the defendant and the current situation.

19 Since his arrest I've been able to return to
20 my regular job but have not been as effective of an
21 employee, both with the school schedule constraints
22 and also because I find myself often distracted and
23 depressed. M.A.R.'s bravery and telling me what she
24 was instructed not to reveal saved herself. Most
25 likely her sister and the lord knows how many other

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1 children.

2 My daughter is a hero, Your Honor, but at a
3 cost. How am I supposed to respond when my daughter
4 asks me why her father, the man she should be able to
5 trust beyond all measure, touched her bottom and
6 licked it? What as a mother can I do to heal her
7 broken heart that she rants that it hurt and she
8 didn't like it. That he's a bad man, but that she
9 still loves him? But she tried to hide in the closet
10 and that he wouldn't let her? But does he get food
11 in jail?

12 I fear for her future, Your Honor. I fear
13 for her self-esteem and her ability to establish
14 healthy relationships when the time comes. No
15 punishment is great enough.

16 No punishment will get back my daughters'
17 childhood and her innocence. But I am humbly begging
18 that you bestow the severest punishment that you are
19 capable of, that some small measure of justice be
20 meted out in this case.

21 In addition, I would like to request a
22 lifetime protection order for M.A.R., myself and
23 members of our immediate family. I thank you for
24 your time and consideration in these matters.

25 THE COURT: Thank you, Ms. Maurer.

1 MS. SVOBODA: Nothing further from the - March 20, 2015 -

2 State, Your Honor.

3 THE COURT: Thank you. Mr. Kupka.

4 MR. KUPKA: Thank you, Your Honor.

5 Mr. Rocquin categorically disputes the new
6 allegations raised in the victim impact statement,
7 emphatically and categorically denies some of the new
8 founded information. He is, however, before the
9 Court and accepts full responsibility for his conduct
10 and for what he plead guilty to. He's also before
11 the Court and accepts full punishment of the Court,
12 whatever the Court decides. On behalf of Mr. Rocquin
13 I'm asking Court to impose a midpoint - standard
14 range sentence of 150 months, Your Honor. And I
15 defer the rest of the - remainder of this hearing to
16 Mr. Rocquin should he choose to allocate to the
17 Court.

18 THE COURT: Thank you. Mr. Rocquin, you've
19 got the right to make a statement to me or provide me
20 with any other information that you want me to
21 consider.

22 THE DEFENDANT: I have none to make, Your
23 Honor.

24 THE COURT: I have a question about legal
25 financial obligations. I understand there's required

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1 to be a finding.

2 MS. SVOBODA: I believe the Court needs to
3 inquire whether or not the defendant has the present
4 or future ability to pay. The State would make the
5 argument that he does. He's - he has held employment
6 before. When he gets out, he's - he is likely to be
7 able to obtain employment again. There is no obvious
8 mental or physical defect to the defendant that would
9 prevent him from obtaining employment. So I am
10 asking the Court to impose those. I don't - I
11 actually don't think that - I think that the ones -
12 the legal financial obligations in this case, I don't
13 think those are ones that can be waived in any event
14 because they're statutory. The only one that - the
15 DNA collection fee I think the Court can waive due to
16 indigency.

17 MR. KUPKA: I disagree, Your Honor.

18 Mr. Rocquin, while he does have a college degree and
19 a master's degree in special education will never be
20 able to teach in public or private education again
21 and therefore he has to start and press the reset
22 button and figure out a new way to make a living once
23 he is released from confinement.

24 THE COURT: What about his current resource,
25 he's in the Marines for - is it Marines - for four

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1 years?

2 MR. KUPKA: Your Honor, he served for four
3 years with the - with the Marine Corps. However, he
4 doesn't draw any financial benefit from - from that
5 today.

6 THE COURT: He has no retirement or anything?

7 MR. KUPKA: No, Your Honor. Retirement is -
8 eligibility for retirement begins at 20 years of
9 service.

10 THE COURT: Anything else?

11 Yes?

12 MRS. ROCQUIN: Can I make a statement?

13 THE COURT: Yes, please.

14 MRS. ROCQUIN: I am Sara Rocquin, Ryan's
15 wife. And I just wanted it to be known that I was
16 mentioned earlier by Ms. Svoboda as having been
17 affected in a very remarkable, adverse way and I just
18 wanted to say that I am here and supporting Ryan.

19 THE COURT: Okay. Thank you.

20 MRS. ROCQUIN: Thank you.

21 THE COURT: Anybody else wish to be heard?
22 All right. This is just horrible. It's horrible on
23 so many levels and the horror probably will never go
24 away. It's - it's a hurt that lasts forever. I
25 think we're fortunate that one person, one

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1 five-year-old realized that what her father was doing
2 was absolutely wrong and had the courage to tell her
3 mother about it. That's the only way for sure that
4 it can end, but still the - the consequences of the
5 acts are something that have to be dealt with for
6 many lives.

7 I'm going to follow the recommendation of
8 the prosecutor, nothing less will do. On cause
9 Number 203, I'm going to sentence you to 198 months
10 to life. You will also be placed on community
11 custody for life in that cause number. In the other
12 cause number, Cause Number 376, I will sentence you
13 on Count 1 to 120 months in prison; Count 2, 102
14 months in prison; and Count 3 to 60 months in prison.
15 These terms by statute will all be served
16 concurrently.

17 In that second cause number you will be
18 placed on community custody for a period of 36
19 months. You will have no contact with M.R. for the
20 rest of your life, no contact directly or indirectly,
21 no attempts to contact her. I will also provide that
22 you shall have no contact with Melissa Maurer or
23 members of her immediate family.

24 You will be responsible for restitution for
25 counseling or therapy or related costs in an amount

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1 to be determined. I'm not going to impose the other
2 legal financial obligations because I don't know that
3 he would be able to pay them off. And they're really
4 totally peripheral to the main concern here.

5 There are other conditions that I'm going to
6 impose. You have - shall have no registration
7 offenses. You understand you have the obligation to
8 register?

9 THE DEFENDANT: Yes, I do Your Honor.

10 THE COURT: No crimes against persons. You
11 will be required to be on community custody and
12 follow all of the conditions of the Department of
13 Corrections and your community corrections officer.
14 You will be required to report as directed and to
15 work at an approved job or education or community
16 service area, pay supervision fees, and if you are
17 released you need to have the Department of
18 Corrections approval for any residential arrangements
19 that you have and any places that you want to live.

20 You will be required to register as a sex
21 offender and follow all of those requirements. You
22 will have no contact with juveniles under the age of
23 18. You will be required to have a sexual deviancy
24 evaluation and follow-up on all treatment
25 recommendations. This must be from the state

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1 certified provider and you'll be prohibited from
2 changing your therapist or provider without the
3 consent of your community corrections officer and the
4 provider.

5 You will be required to submit to requested
6 plethysmographs and polygraph examinations at the
7 direction of your CCO or your therapist to monitor
8 your compliance with the conditions of your treatment
9 in this judgment and sentence and it will be a
10 violation if you're found to be deceptive on a
11 polygraph exam.

12 You will be prohibited from possessing,
13 using or having any access to any computer or devise
14 by which you can access the Internet except as
15 approved by your community corrections officer.

16 Is there anything further, counsel?

17 MS. SVOBODA: No, Your Honor. I believe the
18 Court has covered the - the sentence that the state
19 is requesting.

20 MR. KUPKA: I will hand up the judgment and
21 sentence, Your Honor.

22
23 (Brief pause in proceedings.)
24

25 THE COURT: Counsel, on the community

1 placement provisions submitted by the Department of - March 20, 2015 -
2 Corrections I'm changing the word "pursue" in
3 Paragraph 21 to "peruse". It says, pursue any
4 sexually explicit material.

5 I've signed the judgment and sentence and
6 the other documents.

7 MS. SVOBODA: Thank you Judge.

8 MR. KUPKA: Thank you, Your Honor.

9
10 (End of Proceedings.)
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C E R T I F I C A T E

I, CARMAN PRANTE, a duly authorized Notary Public in and for the State of Washington, residing at Grays Harbor, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I, DO FURTHER CERTIFY that the foregoing transcript constitutes a full, true, and accurate transcript of that portion of my stenograph notes so taken and so ordered.

I, DO FURTHER CERTIFY that I am not related to any of the parties to this lawsuit, nor am I interested in the outcome thereof.

Dated this 1st day of December, 2015.

Carman Prante
CCR #2513

Exhibit “I”

Community Custody Conditions in

Cause No. 14-01-00203-6 and

Cause No. 14-01-00376-8

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF Grays Harbor

STATE OF WASHINGTON]	Cause No.: 14-1-203-6 & 14-1-376-8
]	
Plaintiff]	
v.]	JUDGMENT AND SENTENCE (FELONY)
Ryan A. Rocquin]	APPENDIX H
]	COMMUNITY PLACEMENT / CUSTODY
Defendant]	
]	
DOC No. 380668]	

The court having found the defendant guilty of offense(s) qualifying for community placement, it is further ordered as set forth below:

COMMUNITY PLACEMENT/CUSTODY: Defendant additionally is sentenced on convictions herein, for the offenses under RCW 9.94A.507 committed on or after September 1, 2001 to include up to life community custody; for each sex offense and serious violent offense committed on or after June 6, 1996 to community placement/custody for three years or up to the period of earned early release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or serious violent offense committed on or after July 1, 1990, but before June 6, 1996, to community placement for two years or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2) whichever is longer; and on conviction herein for an offense categorized as a sex offense or a serious violent offense committed after July 1, 1988, but before July 1, 1990, assault in the second degree, any crime against a person where it is determined in accordance with RCW 9.94A.602 that the defendant or an accomplice was armed with a deadly weapon at the time of commission, or any felony under chapter 69.50 or 69.52 RCW, committed on or after July 1, 1988, to a one-year term of community placement.

Community placement/custody is to begin either upon completion of the term of confinement or at such time as the defendant is transferred to community custody in lieu of early release.

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

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- (a) **MANDATORY CONDITIONS:** Defendant shall comply with the following conditions during the term of community placement/custody:
- (1) Report to and be available for contact with the assigned Community Corrections Officer as directed;
 - (2) Work at Department of Corrections' approved education, employment, and/or community service;
 - (3) Not consume controlled substances except pursuant to lawfully issued prescriptions;
 - (4) While in community custody not unlawfully possess controlled substances;
 - (5) Pay supervision fees as determined by the Department of Corrections;
 - (6) Receive prior approval for living arrangements and residence location;
 - (7) Defendant shall not own, use, or possess a firearm or ammunition when sentenced to community service, community supervision, or both (RCW 9A.505);
 - (8) Notify community corrections officer of any change in address or employment; and
 - (9) Remain within geographic boundary, as set forth in writing by the Community Corrections Officer.

WAIVER: The following above-listed mandatory conditions are waived by the Court:

- (b) **OTHER CONDITIONS:** Defendant shall comply with the following other conditions during the term of community placement / custody:
- (10) Residence and/or living situation must be approved in advance by the CCO.
 - (11) Maintain employment as approved by CCO.
 - (12) Submit to affirmative acts necessary to monitor compliance.
 - (13) Submit to urinalysis testing as directed by CCO.
 - (14) Abide by all Sex Offender Registration Laws of the state of Washington.
 - (15) Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be from a therapist approved by his/her CCO.
 - (16) No contact with the victims, M.A.R and the victim's family either oral, written or through a third party for life.
 - (17) No contact with minors under 18 years of age.
 - (18) Do not change therapist or treatment provider without prior approval of the CCO and the treatment provider.
 - (19) Submit to polygraph and plethysmograph examinations as directed by the CCO.
 - (20) Do not access the internet, email or any and all social media sites without permission from CCO and treatment provider.
 - (21) Do not possess or pursue any sexually explicit material.
 - (22) Do not enter X-rated movies, peep shows, or adult book stores.
 - (23) Do not purchase, possess, or use any illegal controlled substance, or drug paraphernalia without the written prescription of a licensed physician.
 - (24) Submit to all testing and reasonable searches of your person, residence and vehicle or personal

14-1-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

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property.

(25) Do not purchase, possess, or consume alcohol.

(26) Do not enter any business where alcohol is the primary commodity for sale.

(27) Consent to home visits by the Department of Corrections to monitor compliance of supervision.

(27) Obey all laws.

(28) Do not loiter or frequent places where children congregate, including but not limited to shopping malls, schools, playgrounds and video arcades.

(29) Abide by global positioning system (GPS) monitoring as directed by the Court, the Community Custody Board or the Department of Corrections.

DATE

3/20/15

JUDGE David Foscoe COUNTY SUPERIOR COURT

141-203-6 & 14-1-376-8

Ryan A. Rocquin 380668

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Exhibit "J"

Plea Agreement,

Cause No. 14-01-00203-6

FILED
GRAYS HARBOR COUNTY
C. BROWN, CLERK

2015 FEB 17 AM 9:48

SUPERIOR COURT OF WASHINGTON FOR GRAYS HARBOR COUNTY

STATE OF WASHINGTON,

Plaintiff,

No.: 14-1-203-6

v.

RYAN A. ROCQUIN,

Defendant.

PLEA AGREEMENT
SEX OFFENSE

I. PLEA AGREEMENT

The State of Washington and the above-named defendant enter into this Plea Agreement, which is accepted only by a guilty plea. This agreement may be withdrawn at any time prior to the entry of the guilty plea. This plea agreement is only binding upon the defendant and the Grays Harbor Prosecuting Attorney's Office. The plea agreement is as follows:

- 1.1 ☒ PLEA: The defendant shall plead guilty to Count(s) 1 of the ☒ original information: Child Molestation 1st Degree ☐ amended information:
- ☒ The current offense ☒ is / ☐ is not a predicate Most Serious Offense under RCW 9.94 - Persistent Offender Accountability Act.
- ☐ The current offense may require the defendant to register as a firearm offender if the court so orders. The State ☐ will / ☐ will not be recommending that the defendant be required to register as a firearm offender, RCW 9.41.330.
- ☐ The current offense is subject to indeterminate sentencing pursuant to RCW 9.94A.507.
- 1.2 ☐ SPECIAL FINDING: The defendant agrees that there should be a special finding as follows: ☐ Defendant was armed with a firearm; ☐ Defendant was armed with a deadly weapon; ☐ The offense was sexually motivated on Count(s)

PLEA AGREEMENT

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33
PROSECUTING ATTORNEY
GRAYS HARBOR COUNTY COURTHOUSE
102 WEST BROADWAY, ROOM 102
MONTESANO, WA 98563
(360) 249-2051 FAX 249-6064

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- 1.3 ☐ **AGGRAVATING CIRCUMSTANCES:** Defendant to admit to the following aggravating circumstances: *State agrees not to allege any aggravating circumstances* (B) (C)
- 1.4 ☒ **DISMISS COUNTS/VIOLATIONS OF JUDGMENT & SENTENCE:** Upon sentencing in the above count(s), the State moves to dismiss:
- ☐ Count(s) _____ in Cause No(s)
- ☐ Violations of Judgment & Sentence in Cause No(s).
- ☒ Agree not to file further charges in police agency No(s). APD 14-A06787
- 1.5 ☒ **OTHER:** State will not allege any aggravating factors.
- 1.6 ☐ **REAL FACTS OF HIGHER, MORE SERIOUS, OR ADDITIONAL CRIMES:** In accordance with RCW 9.94A.0530 and .537, the parties agree that in sentencing, the court may consider the following as real and material facts:
- 1.7 ☒ **AGREEMENT OF CRIMINAL HISTORY:** The Defendant agrees that the Prosecutor's statement of the defendant's criminal history (as listed below per RCW 9.94A.525) is accurate and complete, as known to the parties at the time of the plea. The parties further agree that the defendant was represented by counsel or waived counsel at the time of each prior conviction.
- 1.8 ☒ **PROSECUTOR'S STATEMENT OF DEFENDANT'S CRIMINAL HISTORY:**
- ☒ No known felony convictions
- ☒ Other current convictions:

Crime	Date of Crime	Sentencing Court (County & State)	A or J (Adult or Juvenile)	Type of Crime	Points	DV*
Child Molestation 1 st	2014	Grays Harbor, WA 14-1-203-6	A	F	3	

*DV: Domestic Violence was pled and proved.

- ☐ Defendant was on community custody at the time of the offense (+1 point)

1.9 ☒ SENTENCING DATA: The defendant agrees that the following is accurate:

Count	Offender Score	Seriousness Level	Standard Range	Plus Enhancements	Total Standard Range	Maximum Term
1	9	X	149-198 months to Life	NONE	149-198 months to Life	LIFE/\$50,000

This sentence shall run concurrent with Grays Harbor Superior Court

1.10 SENTENCE RECOMMENDATION: The State will recommend the following: *Cause No. 14-1-376-8*

(a) COSTS, FINES AND ASSESSMENTS:

- ☒ Court costs: \$110.00 / \$200.00;
- ☒ Victim/Witness Assessment: \$250.00 / \$500.00;
- ☒ DNA Collection Fee: \$100.00, unless found indigent by the court;
- ☐ Domestic Violence Assessment: \$100.00;
- ☐ Attorney's Fees: \$500.00;
- ☐ Fine: \$
- ☐ Contribution to Grays Harbor Inter-Agency Drug Task Force Fund or _____ Drug Fund:
- \$
- ☐ \$100.00 Washington State Patrol Crime Lab Fee;
- ☐ \$1000.00 / \$2000.00 / \$3000.00 mandatory fine, unless found indigent by the court.

(b) CONFINEMENT:

Count 1: 198 months to Life Count 2: _____

Count 3: _____ Count 4: _____

- ☐ _____ days of jail converted to _____ hours of community service on Count(s) _____.
- ☐ Credit for up to 30 days confinement for successful completion of in-patient treatment.

(d) OTHER CONDITIONS:

- ☒ Community supervision / placement / custody:
- ☐ _____ months, or as required by law.

- 1 ☒ Community custody pursuant to RCW 9.94A.507, for any period of time
- 2 Defendant is released from total confinement before expiration of the maximum
- 3 sentence: Life.
- 4 ☐ Gross Misdemeanor
- 5 ☐ Misdemeanor
- 6 ☐ _____ months probation.
- 7 ☒ Crime Related Prohibitions:
- 8 ☐ Any and all criminal acts
- 9 ☐ No violations of RCW Title 69
- 10 ☒ No crimes against persons; No registration offenses;
- 11 ☒ Comply with all conditions of community custody/placement as imposed by the
- 12 Department of Corrections (DOC) and his/her community corrections officer (CCO).
- 13 ☒ While on community custody or placement, the defendant shall:
- 14 1. Report to and be available for contact with the assigned CCO as directed.
- 15 2. Work at DOC approved education, employment and /or community service/restitution.
- 16 3. Pay supervision fees as determined by DOC.
- 17 4. Perform affirmative acts as necessary to monitor compliance with the orders of the
- 18 court as required by DOC.
- 19 5. Have prior DOC approval for all residence locations and living arrangements.
- 20 ☐ Exceptional Sentence.
- 21 ☒ No contact with M.R. for a period of LIFE, pursuant to RCW 9.94A.505.
- 22 ☒ No possession, ownership, or control of firearms pursuant to RCW 9.41.040.
- 23 ☐ Complete *alcohol / drug / domestic violence* evaluation by a state-certified agency within
- 24 45 days of release and successfully complete any recommended treatment.
- 25 ☒ Not possess or consume controlled substances, nor possess drug paraphernalia without a
- 26 valid prescription with random urinalysis to ensure compliance.
- 27 ☐ Not drive a motor vehicle without a valid license and insurance.
- ☐ Other:
- ☒ The defendant shall:
- ☐ Not consume or possess any controlled substances or drug paraphernalia without a valid
- prescription;
- ☐ Not consume or possess alcoholic beverages;
- ☐ Submit to random urine/breath testing to monitor alcohol/drug-free status as requested by
- his/her CCO;
- ☒ Follow all sex offender registration requirements;

- 1 ☒ Have no contact with juveniles under 18 years of age;
- 2 ☐ Have no contact with juveniles under 18 years of age unless under supervision of an adult
- 3 who is aware of this conviction and the conditions of supervision and approved by his/her
- 4 therapist and CCO. The parents of any juveniles must also be aware of this conviction;
- 5 ☒ Obtain a sexual deviancy evaluation and follow all treatment recommendations. Must be
- 6 from a State-certified therapist approved by his/her CCO;
- 7 ☒ Submit to polygraph examinations to monitor compliance with conditions and/or treatment
- 8 at the direction of CCO and/or therapist. Must not be found deceptive;
- 9 ☒ Not possess, use, or have access to, any computer or device with any access to the internet.
- 10 *except as approved by DCS (E)*
- 11 1.11 ☒ RESTITUTION: ☒ Charged crimes ☐ Uncharged crimes ☒ Agreed ☐ Disputed
- 12 To: M.R. for counseling/therapy Amount: \$TBD
- 13 To: _____ Amount: \$ _____
- 14 1.12 The State's recommendation will increase in severity if additional criminal convictions
- 15 are found which were not know to the State or disclosed by the defendant prior to the
- 16 plea of guilty, or, if the defendant commits any new crimes, fails to appear at sentencing,
- 17 or violates the conditions of release. I understand that in the event additional criminal
- 18 history is found that my standard range may increase. I understand and agree my
- 19 failure to disclose prior criminal history, or the discovery of new criminal history, will
- 20 not serve as the basis for withdrawal of my plea of guilty.
- 21 1.13 ☐ The following Appendices are attached and incorporated by reference as part of this Plea
- 22 Agreement:
- 23 1.14 I have been advised and understand:
- 24 (1) That I have the right to appeal my conviction; (2) That I have the right to appeal my
- 25 sentence if the sentence imposed is outside the standard range or under certain other
- 26 circumstances; (3) That unless a notice of appeal is filed within thirty days after the entry of
- 27 the judgment or order appealed from, the right to appeal is irrevocably waived; (4) That the
- Superior Court clerk will, if requested, supply a notice of appeal form and file it upon
- completion by me; (5) That I have the right, if I cannot afford it, to have counsel appointed
- and to have portions of the trial record necessary for review of assigned errors transcribed at
- public expense for an appeal; (6) that, pursuant to RCW 10.73.090, I have the right to
- collaterally attack my conviction within one year after the judgment becomes final; (7) That
- the time limits for collateral attack do not apply if there is newly discovered evidence if
- discovered with reasonable diligence, or if the statute is unconstitutional, or if the conviction
- was barred by the double jeopardy clauses, or if the evidence at trial was insufficient, or if
- there was a significant change in the law material to the conviction which applies
- retroactively, or if the sentence was outside the court's jurisdiction, pursuant to RCW
- 10.73.100. CrR7.2(b)

1 Date: 02-17-15

Ryan A. Rocquin
Defendant

2
3 Date: 02-13-15

[Signature]
Attorney for Defendant
WSBA # 29835

4
5 Date: 2/17/15

[Signature]
KATHERINE L. SVOBODA
Prosecuting Attorney
WSBA #34097

6
7
8
9 **II. COURT APPROVAL**

10 The court, having reviewed the above Plea Agreement, and having heard the statements of counsel regarding the reasons for the above Plea Agreement, finds:

- 11 (a) ☒ The Plea Agreement is consistent with the interests of justice and the prosecutorial standards.
- 12
13 (b) ☐ The Plea Agreement is not consistent with the interests of justice and the prosecutorial standards. Neither party is bound by the Plea Agreement, and the defendant may withdrawal the plea of guilty.

14
15
16 Date: 2/17/14

[Signature]
JUDGE

17
18 **III. INTERPRETER CERTIFICATION**

19 I am a certified interpreter or have been found by the court to interpret in the language _____ which
20 the defendant understands, and I have translated this entire document for the defendant from English into that language.
21 The defendant has acknowledged his or her understanding of both the translation and the subject matter of this document.
22 I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

23
24
25
26
27 Date: _____

INTERPRETER